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# THE AMERICAN HISTORICAL REVIEW

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The  
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THE NATIONAL ARCHIVES: A PROGRAMME

“THE care which a nation devotes to the preservation of the monuments of its past may serve as a true measure of the degree of civilization to which it has attained.”<sup>1</sup> The chief monument of the history of a nation is its archives, the preservation of which is recognized in all civilized countries as a natural and proper function of government. No government has expended larger sums of money for the purchase of historical papers (many of which should never have passed from the possession of the state), or made more lavish appropriations for the publication of historical documents (too often selected at random and ill edited), than that of the United States; and no government has more signally failed in the fundamental and far more imperative duty of preserving and rendering accessible to the student the first and foremost of all the sources of the nation's history, the national archives. It is to a review of this failure and of its consequences, and especially to a consideration of the remedies to be adopted, that the present article is devoted.

The archives of the federal government are composed of the letters, orders, reports, accounts, and other documents produced in the course of transacting the public business, whether located within the District of Columbia, or wherever the operations of the government extend. The value of these archives may truly be said to be inestimable. In the transaction of current business those of recent date are in constant use while those of earlier origin are frequently referred to. They constitute the chief protection of the state against unfounded or ill-founded claims. In international discussions or disputes they are the principal source from which arguments may be

<sup>1</sup> *Les Archives Principales de Moscou du Ministère des Affaires Étrangères* (Moscow, 1898), p. 3.

drawn to support the contentions of the government. On them are based the titles to millions of acres of land and to thousands of patent rights. The actual money loss, to say nothing of the inconvenience, that would result to the government and to citizens as well, by the destruction of any considerable part of the federal archives, can hardly be calculated.<sup>2</sup>

One might suppose it unnecessary in this connection to dwell at length upon the historical value of the archives, yet there seem to be reasons for doubting that this is sufficiently appreciated, even by those engaged in historical work. For nearly ten years the writer has been in a position where he is nearly certain to learn of any serious historical research that is being conducted in Washington archives, yet for that entire period he can recall not more than two score of such investigations.<sup>3</sup> When one reflects upon the hundreds who frequent the Public Record Office or the Archives Nationales in the course of a single year one is strongly tempted to conclude that those who should be the best friends of the archives have but slight appreciation of their worth. Naturally certain classes of material have less interest than others. Files of money-order receipts do not have the same attraction for the historian as do the volumes of diplomatic correspondence, and the archives of the Department of the Navy are more frequented than those of the Land Office. But it would be a great mistake to suppose that the records of the Department of State and of the Navy and War departments contain all of the historical material in the federal archives. It may be worth while at this point to pass in review certain groups of records in the different departments and bureaus that are deserving of greater attention from investigators than they have received.

In the Department of State the diplomatic archives although well known have in reality been but little used. Here is a group of more than three thousand volumes, comprising the despatches from diplomatic agents abroad, the instructions sent to them, and the correspondence with the agents of foreign powers resident in the United

<sup>2</sup> "The destruction by fire of any one of the executive departments would cause almost irreparable injury, confusion, and delay in the transaction of its business, and this is especially true of the Treasury. This department is the great clearing house of the Government. Here all its debts are paid, and here are preserved the evidences of such payment . . . in the event of their destruction numberless claims against the government would at once arise to embarrass it." (*Annual Report of the Secretary of the Treasury*, 1899, p. xlvii.) An almost unlimited number of similar citations could be made, all emphasizing the purely material value to the government of its archives. See for example *History of the Movement for a National Archives Building* (Sen. Doc. 297, 62 Cong., 2 sess.).

<sup>3</sup> Exclusive of work done in the Library of Congress where collections are not, for the most part, archival, and exclusive also of the *service commandé* of the Carnegie Institution.

States. The idea seems to have obtained that a large part of this material has been published, but in the part most fully exploited—that prior to 1828 as published in the *American State Papers*—hardly a fourth of the documents has been published.<sup>4</sup> Another group of material, almost unknown and even less used, is the series of some four thousand volumes known as the Consular Archives, which contain the correspondence of the department with our consular officers abroad and with foreign officers within the United States. Many of the consular despatches are the work of keen observers and contain detailed and valuable accounts of conditions and events in the vicinity of their respective posts, especially of such matters as affect American interests. The character of this material is well illustrated by the group of documents recently printed in this journal respecting Toussaint Louverture and the relations between the United States and Santo Domingo.<sup>5</sup> Another group of quite unused material in the Department of State is composed of the two series Domestic Letters and Miscellaneous Letters which together fill about 1,500 volumes. Here is to be found correspondence between the Secretary of State and other officials, both national and state, relating to an infinite variety of subjects, such for example as the suppression of the slave-trade and opium traffic, police service in Asiatic waters, return of fugitive slaves, Mexican troubles, international boundaries, etc. In the Department of State are also papers relating to the administration of the territories,<sup>6</sup> applications for office,<sup>7</sup> and the archives of the Russian-American Company, some seventy-five volumes, in Russian, covering the years 1817 to 1867, and transferred to Washington upon the cession of Alaska. That the various groups which have just been mentioned have been so little used is the more surprising when one considers that they are all in a department where students have long been accustomed to work and where better accommodations are provided than in most of the other departments.

Turning now to the Department of War, we find a very different state of affairs. It is here that the greatest concentration of the

<sup>4</sup> A. C. McLaughlin, *Report on Diplomatic Archives* (Washington, Carnegie Institution, 1904), p. 4. For a fuller account of the archives of the various departments and offices see Van Tyne and Leland, *Guide to the Archives of the Government of the United States in Washington* (second ed., Carnegie Institution, 1907), or W. G. Leland, "The Archives of the Federal Government", in *Columbia Hist. Soc., Records*, XI. 71-100 (Washington, 1908).

<sup>5</sup> *AMERICAN HISTORICAL REVIEW*, XVI. 64-101.

<sup>6</sup> See David M. Parker, *Calendar of Papers in Washington Archives relating to the Territories of the United States* (Carnegie Institution, 1911).

<sup>7</sup> See Gaillard Hunt, *Calendar of Applications and Recommendations for Office during the Presidency of George Washington* (Washington, 1901).

records has been effected and most of the archives are in the office of the adjutant-general. For years, however, no one not connected with the department has been permitted to have access to the records, and it is not surprising therefore that little use has been made of them—except such as have been printed—for historical purposes. It has never been possible even to know with exactness what the war archives comprise. Revolutionary records there are, but in no very great quantity; the correspondence of the Secretary of War is complete since 1800; the records of the regular army and of the volunteer armies are complete since about 1805; and there are also the captured archives of the Confederate government, the records of the Freedmen's Bureau, as well as much else which until within a few months has been wholly inaccessible to students. In other offices of the Department of War, however, a more liberal policy has obtained and the student might have—but seldom has—made good use of considerable material. Thus the office of the inspector-general contains several volumes of early inspection reports, which present an admirable picture of the condition of the army between 1812 and 1836. In the office of the judge-advocate-general are the proceedings of all general courts-martial, and courts of inquiry, while the office of the chief of engineers possesses over 50,000 maps and charts, and the Bureau of Insular Affairs has the records of the Philippine insurrection and of the occupation of Cuba.

In the Navy Department, where students have long received generous treatment, there is material which of late years is becoming better known. Especially is this true of the correspondence between naval officers and the department, which begins in 1802 and fills about three thousand volumes arranged in various series. The greatest variety of subjects is touched on in these letters: Mediterranean affairs, difficulties with the Barbary powers, protection of American commerce, the slave-trade, Central and South American affairs, protection of American missionaries in Syria and Egypt in 1850, the reception of the Hungarian refugees in 1851, scientific and exploring expeditions, negotiations with Japan, and countless other matters are treated in these volumes. Other groups consist of the log-books of the naval vessels, the records of the navy-commissioners, 1815-1842, proceedings of courts-martial and boards of inquiry, and the records of the Marine Corps.

In the Treasury Department the correspondence of the secretary's office—several thousand volumes—constitutes a rich and unexplored field. Such matters are touched on as the removal of the public money to banks, issues of treasury notes, tonnage duties on Mexican vessels, the French indemnity, public lands, the embargo, act, nulli-

fication, the United States banks, etc. It is needless to say that the student of public finance, of customs administration, and of similar subjects can hardly hope to make a thorough study of his topic without prolonged use of this material. Other series there are relating to the French spoliation claims, Southern claims, captured and abandoned property, and issues of notes and bonds, and mention should not fail to be made of the five hundred volumes of loan-office records, 1784-1855, nor of the enormous masses of records in the offices of the auditors.

The correspondence of the Postmaster-General is nearly complete from 1789 and reflects with remarkable fidelity conditions throughout the country at various periods. Especially is it valuable in the study of the westward movement, for the post-office must keep pace with population.

In the Department of Justice the correspondence of the Attorney-General has been preserved since 1817. It deals with a great variety of matters, such for example as proposed legislation of all sorts, land grants to the railroads, frauds in the collection of the revenues, suppression of the Ku Klux movement, protection of voters in federal elections, the Fenian uprising, the Cuban insurrection, filibustering expeditions against Mexico, appointments of federal attorneys, marshals, judges, and clerks, land titles in acquired territory, the execution of the fugitive slave law, and countless other subjects.

In the Department of the Interior are to be found some of the most valuable series, from the student's point of view, in the federal archives. In the office of the secretary, in addition to the general correspondence, are special groups, such as the territorial papers. In the Indian Office are thousands of boxes of letters, reports, accounts, and other papers relating to every phase of the conduct of Indian affairs and history.<sup>8</sup> The records of the General Land Office are among the most valuable of the federal archives and the history of the states that have been carved out of the public domain cannot be fully known until students have made ample use of this source.

The Department of Commerce and Labor is of recent creation but it is in part composed of offices that have long been in existence. Thus its archives include the records of the Coast and Geodetic Survey, rich in maps and correspondence, the records of the Bureau of Navigation with its series of "marine documents" which constitute a record of American vessels since 1815, and the original census schedules—beginning in 1790—of the Bureau of the Census.<sup>9</sup>

<sup>8</sup> About the only work yet produced that is based on this material is Miss Annie H. Abel's thesis on *The History of Events resulting in Indian Consolidation West of the Mississippi* (Am. Hist. Assoc., *Annual Report*, 1908).

<sup>9</sup> The schedules of 1790 have been published by the bureau.

The Department of Agriculture, the Civil Service Commission, and the Interstate Commerce Commission all possess records which the student may not overlook, and the records of the courts, somewhat better known because so constantly consulted by lawyers, would well repay a closer acquaintance on the part of the historian.

The archives of the House of Representatives and of the Senate abound in valuable material. Petitions and accompanying papers, drafts of bills, reports of committees, and proceedings of hearings are among the more interesting classes of papers, and in spite of the six thousand or more volumes of *Congressional Documents* that have thus far been printed, the student of almost any phase of our national history may search with profit among the manuscript archives of Congress.

Having thus considered the material and historical value of the federal archives we naturally inquire what measures the government has taken to ensure their safe-keeping and to render them accessible, not only for administrative use but for historical purposes. It takes but a small amount of space to set forth the general legislation on this subject.

The head of each department is authorized to prescribe regulations for the custody, use, and preservation of the records and papers of his department.<sup>10</sup> Provision is made for the punishment of any one who alters, forges, or counterfeits any public record for the purpose of defrauding the government,<sup>11</sup> of any person who wilfully and knowingly steals or destroys any record or paper filed in a public office,<sup>12</sup> or of any public official who withdraws or destroys any paper or record in his custody.<sup>13</sup> Copies of books, records, papers, or documents in any of the executive departments authenticated by the seal of the department are to be admitted as evidence equally with the original.<sup>14</sup> Accumulations of "files of papers" not needed in the transaction of current business and possessed of no permanent value or historical interest, are to be reported to Congress by the head of the department in which they exist, and are to be examined by a joint committee of the two houses. If the committee finds the papers to be indeed "useless" it shall report to Congress and the head of the department shall thereupon sell them as waste paper or otherwise dispose of them.<sup>15</sup> Finally it is provided:

<sup>10</sup> *Rev. Stat.*, § 161.

<sup>11</sup> Act of April 5, 1866. *Statutes at Large*, XIV. 12; *Rev. Stat.*, §§ 5418, 5479.

<sup>12</sup> Act of February 26, 1853. *Statutes at Large*, X. 170; *Rev. Stat.*, § 5403.

<sup>13</sup> Act of February 26, 1853. *Statutes at Large*, X. 170; *Rev. Stat.*, § 5408.

<sup>14</sup> *Rev. Stat.*, § 882.

<sup>15</sup> Act of February 16, 1889. *Statutes at Large*, XXV. 672. Act of March 2, 1895. *Id.*, XXVIII. 933.



That facilities for study and research in the Government Departments, the Library of Congress, the National Museum, the Zoological Park, the Bureau of Ethnology, the Fish Commission, the Botanical Gardens, and similar institutions hereafter established shall be afforded to scientific investigators and to duly qualified individuals, students, and graduates of institutions of learning in the several States and Territories, as well as in the District of Columbia, under such rules and restrictions as the heads of the Departments and Bureaus mentioned may prescribe.<sup>16</sup>

These provisions of law seem very satisfactory and might conceivably provide a sufficient framework for a system of archive administration. But it is hard to make bricks without straw, and archives, which accumulate with astonishing rapidity, can not be properly preserved and made accessible without a place in which to keep them, and as yet that place has not been provided. This failure is not due to the fact that the matter has not been called to the attention of Congress. For over thirty years Presidents and heads of departments, as well as historical scholars, have repeatedly urged upon the legislative branch the necessity of making better provision for the records, but thus far without result. The inevitable effect of this apathy on the part of Congress has been to bring about the well-nigh intolerable situation which to-day confronts official and student alike.

This situation has frequently been described and nowhere more accurately nor in more vigorous terms than in official reports,<sup>17</sup> but we cannot pass over it lightly in the present connection. The great growth of the business of the government, the expansion of the departments, the creation of new bureaus, the assumption of new functions, have all combined to render quarters that were none too ample a quarter of a century ago almost uninhabitable to-day. To this state of congestion with all its attendant inconvenience the accumulation of the records has contributed its full share. The effect upon the archives of this overcrowding has been most disastrous. Those no longer needed in the transaction of current business have, naturally enough, been considered an incumbrance, and, if they could not be destroyed as "useless papers", they have been stored wherever space could be found for them. Thus they are in cellars, and subcellars, and under terraces, in attics and over porticos, in corridors and closed-up doorways, piled in heaps upon the floor, or crowded into alcoves: this, if they are not farmed out and stored in such rented structures as abandoned car-barns, storage warehouses, deserted theatres, or ancient but more humble edifices that should long

<sup>16</sup> Act of March 3, 1901. *Id.*, XXXI. 1039.

<sup>17</sup> See especially *House Report 1767*, 56 Cong., 1 sess.

ago have served their last useful purpose.<sup>18</sup> Nor do the records in current use fare much better. They are, whenever that is possible, a little nearer the clerks who must consult them, but the line of demarcation between the current and uncurrent records is not a sharp one and the former are gradually absorbed into the mass of the latter.

Such a state of affairs cannot exist without subjecting the archives to real and grave dangers. The danger from fire is an ever present one and is clearly set forth in a document of recent origin emanating from the House Committee on Buildings and Grounds.<sup>19</sup> A subcommittee on fire protection after personal investigation and many hearings "found that as a rule the precautions against fire in public buildings were lamentably deficient. In some of the buildings the danger of untold destruction both of life and property is immediate and appalling. Priceless records are in momentary danger of annihilation by fire, being kept for the most part on wooden shelves and cases in non fire-proof structures. The loss of Geological Survey records, Land Office records, historical papers dating from the beginning of the government, records of the Patent Office, Civil Service Commission, and other offices could hardly be measured in terms of millions, and yet, unless wiser measures are followed than at present obtain, we may witness at any moment a loss of Government property beside which the recent Albany State capitol fire would be insignificant."<sup>20</sup>

The apprehensions of the committee are only too well grounded. The archives most exposed to danger are probably those in certain of the rented buildings which are little better than fire-traps, but even in such structures as the Treasury building and the State, War, and Navy building the danger is by no means slight. While these buildings are supposedly fire-proof or nearly so, they are full of inflammable material, and the attics, which are generally packed with records, would spring into blaze, especially during the hot weather, upon slight provocation.

Nor is the past experience of the government with respect to fires reassuring. In November, 1800, the building occupied by the War Department together with all the records was destroyed.<sup>21</sup> Two

<sup>18</sup> The principal rented buildings or parts of buildings used mainly for storage are: old car-barns at 1st and B streets, S. W.; Cox Building, 1707-1709 New York Avenue, N. W.; storage buildings, 920 E Street, N. W.; storage buildings, 418 10th Street, N. W.; 1334 F Street, N. W.; 1338 G Street, N. W.; Union Building. Many other buildings might be mentioned which are used for both offices and storage but mainly for the former. *House Doc. 785*, 61 Cong., 2 sess.

<sup>19</sup> *Hearings and Reports of the Committee on Public Buildings and Grounds of the House of Representatives*. 62 Cong., 1 sess. (Washington, 1911).

<sup>20</sup> *Ibid.*, preface, p. iv.

<sup>21</sup> *Am. State Papers, Misc.*, I. 232.



months later a fire in the Treasury Department destroyed a considerable part of the records in the auditor's office.<sup>22</sup> The losses in 1814, when Washington was occupied by the British, were not great either in extent or importance, except in the House of Representatives,<sup>23</sup> and in any case need not be considered in this connection as they were due not to negligence but to military incapacity. One of the most serious fires was that of March 31, 1833, which destroyed practically all the correspondence of the Secretary of the Treasury.<sup>24</sup> Three years later, the Post-Office records relating to the establishment of post-offices and the appointment of postmasters as well as the journal and orders of the Postmaster-General were burned, together with nearly all the records and models in the Patent Office.<sup>25</sup> The Patent Office was again visited by fire in 1877 and lost 87,000 models and 40,000 sets of photographic copies of drawings, but no records or files.<sup>26</sup> In 1880 a fire started in the War Department but caused no loss of archives, an experience which was repeated a few months later.<sup>27</sup> There have been no serious fires of late years, although several small ones have occurred in the Geological Survey<sup>28</sup> and the Pension Bureau,<sup>29</sup> but this immunity must be attributed solely to good luck and is quite undeserved.

Fire, however, is not the only enemy of archives. Quite or nearly as effective although slower in action are damp and dust, extremes of temperature, lack of ventilation, rough handling, and vandalism. From all of these the archives have sorely suffered. Until recently the archives of the Senate were stored beneath the west terrace of the Capitol, and the writer recalls having found hundreds of volumes covered with mould and literally soaked through. The records of the office of the Treasury auditor are in the sub-basement of the Treasury building, where they absorb moisture during the summer and dry up during the winter while the heating apparatus is in operation.<sup>30</sup> Other Treasury records are stored under the grass plot at the north entrance, in close neighborhood to the large fountain erected there. The basement of the building, occupied originally by the

<sup>22</sup> *Ibid.*, pp. 241-242.

<sup>23</sup> *Id.*, II. 245, 248-252. It is nevertheless the fashion in the departments when papers antedating September, 1814, cannot be found to attribute their loss to the depredations of the invader.

<sup>24</sup> *House Ex. Doc. 22*, 23 Cong., 2 sess.

<sup>25</sup> Fire of December 15, 1836. *House Report 134*, 24 Cong., 2 sess.

<sup>26</sup> Fire of September 24. *House Ex. Doc. 2*, 45 Cong., 1 sess.

<sup>27</sup> *History of the Movement for a National Archives Building*, p. 4.

<sup>28</sup> *Hearings and Reports of the Committee on Public Buildings and Grounds*, no. 4.

<sup>29</sup> *Ibid.*, no. 10.

<sup>30</sup> See testimony of chief clerk of Treasury Department in *Hearing before the Committee on Public Buildings and Grounds*, U. S. Senate, March 1, 1912.

Corcoran Art Gallery but in recent years by the Court of Claims, is also employed as an archive depot, but after a heavy rain those who consult the archives must navigate through several inches of water.<sup>31</sup>

In all the principal departmental buildings in Washington records in enormous quantities are stored under the roofs where they quickly dry up under the influence of the summer heat and before long become so brittle that they fall to pieces when examined. Other records are in close proximity to steam pipes or heating flues, and suffer a similar fate. It is the exception to find even an effort made to protect papers from dust, while the War and Treasury records that fill several floors of a storage warehouse<sup>32</sup> are gradually deteriorating from the effects of eternal darkness and lack of ventilation.

In consideration of the conditions that have been described it will occasion no surprise to be told that the federal archives have suffered from vandalism. It avails but little to make the theft or mutilation of records a felony when they are freely exposed to the ravages of the first comer. In many offices the older records bear evidence of having suffered under the autograph hunter. The archives of the House of Representatives have been especially ill used and it is the tradition of the file room that the open fire of the "file clerk" was once kept going for an entire winter with bundles of petitions and other papers. Not many years ago a laborer employed by the Treasury Department raided its archives in search of internal-revenue stamps and, to remove the evidences of his operations, destroyed a large quantity of vouchers.<sup>33</sup> More recently still a negro was found endeavoring to dispose of two sacks of Indian Office records as waste paper.<sup>34</sup> While the writer has heard many stories of depredations of the sort described and has seen clear evidence of many others it is highly probable that far more are committed than are ever discovered or perhaps even suspected.

Another source of danger is in the frequent transfer of large masses of records from one place to another. Undoubtedly there have been serious losses in the archives of the Indian Office in this way, while the archives of the various auditors seldom know what it is to remain long in one place. Not only does this frequent handling occasion the actual loss of documents, but it subjects the archives to a great deal of unnecessary wear and they suffer accordingly.

Such conditions not only expose the government to the great

<sup>31</sup> See testimony of Miss Rosa Chiles. *Hearing, etc.*, March 1, 1912.

<sup>32</sup> 920 E Street, N. W.

<sup>33</sup> *Sen. Doc. 236*, 57 Cong., 1 sess.

<sup>34</sup> Information furnished Miss Chiles.

financial loss that might be occasioned by the destruction of certain bodies of records but they actually do occasion the government, every working day of the year, a heavy loss through the impairment of efficiency and the obstruction of business. The archives of the office of the Secretary of the Treasury are stored in several widely separated places and under conditions that make their proper arrangement a physical impossibility. Yet these archives, even the most ancient ones, are frequently needed in the transaction of current business. It then becomes the duty of the file clerk to institute a search for the desired papers, a search which in many cases is carried on for days before they are found or finally given up as hopelessly lost. In small offices where no one clerk is especially charged with the care of the records the time lost in searching for papers amounts in the course of a year to a very considerable item.

But the government is not the only sufferer from this state of affairs. It is quite time to consider the sad plight of the student who desires to pursue historical, economic, or scientific studies in the federal archives. The right of the student to use these archives for proper purposes, governmental interests being fully safeguarded, does not, one may assume, need to be supported by exhaustive argument in the pages of a journal devoted to the advancement of historical studies. Should it be questioned by the layman, the official, or the lawmaker, it may be replied that it is a right generally conceded in the civilized countries of the world and expressly confirmed in the United States by the law of March 3, 1901, already cited,<sup>35</sup> which directs that facilities for study and research in government departments and elsewhere shall be provided to proper persons, under such regulations as may be prescribed by the heads of departments. The question of right being thus disposed of let us see what are the conditions under which the student must exercise the privileges accorded him. First he must locate the material he wishes to see, and this is not always an easy task. Each office—frequently each division of an office—maintains its own records.<sup>36</sup> Offices have been abolished and new ones created, they have been transferred from one department to another, their functions have been modified or redistributed, and while in theory and law the records have followed the office or the function, they have in practice frequently failed to do so, and in

<sup>35</sup> See above, p. 7.

<sup>36</sup> The War Department has a general depot in the office of the adjutant-general, but the records of several offices are not included in it. The Navy archives most likely to be used by the historical student are in a single office, while the most interesting records of the Department of State are in two bureaus. Elsewhere there is little concentration of records and there are in Washington considerably over a hundred archive depots, large and small.

some instances have been lost sight of for years, or even appear to have dropped out of existence altogether.<sup>37</sup> Assuming however that the investigator is able to determine the probable location of his material, he must then seek authorization to use it from the head of the department in whose archives it is to be found. The granting of this permission will depend largely upon the nature of the material. Although there is no chronological dead-line the student will find that access to records antedating the Civil War is readily enough granted, but less readily to those of later date, but there is no uniformity of practice in this respect.<sup>38</sup> Armed then with the needed

<sup>37</sup> Not long ago some 760 file boxes of Indian Office archives came to light in the attic of the Interior building where they appear to have lain since 1876. For years there was an informal dispute between the State and Interior departments respecting the transfer of the territorial papers when the administration of territorial affairs was transferred from the former to the latter department in 1873. The State Department asserted that the papers had been transferred, the Interior Department asserted that they had never been received. As a matter of fact they appear not to have left the State Department. It is the tradition in the office of the chief of engineers in the War Department that the records of that office were sent to the Capitol about 1850 and never again heard of. This is quite possible as the records now in the office prior to 1850 are very incomplete and there appears to be no trace of such material in the Capitol.

<sup>38</sup> Many classes of records are regarded as confidential, such for example as those of the commissioner of internal revenue, the Secret Service, the Bureau of Corporations, etc. Other classes of records are freely opened to inspection to very recent dates. Much depends upon departmental or office tradition. The peculiar case of the War Department however calls for special attention. As already stated, most of the military records were some years ago brought together in the office of the adjutant-general in the custody of an officer who refused to allow any one not connected with the department to have access to them. The principal official use made of these records was the answering of inquiries from the Pension Bureau respecting the military service of applicants for pensions. An elaborate "card-record-index"—in reality a copy, on cards, of muster rolls and other records—was devised by the officer referred to, whereby the transaction of business was notably facilitated. The same officer had likewise brought to a successful termination the *Official Records of the War of the Rebellion* and had in preparation similar compilations respecting the other wars of the United States. He maintained that the delicate condition of the records, the complexity of the "index", lack of room and clerks, as well as his purpose to publish everything of historical value, all made it impossible to allow students to have access to the records. This policy of exclusion was carried so far as to refuse to a state which had loaned certain records to the department the privilege of having them copied at its own expense. Under certain conditions queries respecting the military service of individuals were answered provided the information was desired for the purpose of securing a pension or of joining an hereditary society (see War Department, Orders, February 23, 1897). Soon after the relief of this officer from duty as adjutant-general, the regulations were modified and duly accredited students are now allowed access to the records (see War Department, Orders, March 26, 1912). It may seriously be questioned whether the former adjutant-general was not disregarding the law of March 3, 1901, already cited, as well as the provision in the law of March 2, 1889 (*Statutes at Large*, XXV. 971) which directed that after the publication of the *Official Records of the War of the Rebellion*, the original papers should be accessible to the public.

authorization the student seeks out the chief of the bureau where the archives in question are believed to be. Here he is turned over to the file clerk if there is one, if not to the clerk who has acquired the reputation of being most familiar with the records. The actual search now begins. Such indexes or finding lists as may be available have generally been compiled for office purposes only, and while they may serve admirably such uses they are more often a source of confusion than of aid to the uninitiated investigator. The chaotic state of the classification of many of the older records furnishes still another cause of perplexity. Nearly every office has, from time to time, changed the system of classifying and arranging its archives. Series are found which do not seem to connect with any group of earlier or later documents, while other series have been known by different names at different times. If, at last, after a search which has probably been conducted with the aid of a ladder and a portable light, the material sought for is found, it may be used at some improvised table space amid the clatter of typewriters, the coming and going of employees, and the transaction of the public business.<sup>39</sup> Should the student's investigation lead him into the archives of other offices the entire process must commence over again. When he has completed his work he cannot, ordinarily, be sure that he has found all the material that would be of service. Other documents, as valuable to him as those he has located, may be boxed up and stored in some inaccessible place. Even parts of the very series he has been examining may have strayed into another office and fail to come to his attention.<sup>40</sup>

These then are the conditions that confront the student who would make use of the federal archives. It is small wonder that he is more inclined to carry on his investigation in London and Paris and the Hague than to encounter the hardships he must endure in Washington. And yet he is not wholly blameless for the conditions. So long as he remains the *avis rarissima* of the archives he must not expect large provision for his accommodation.

The review that we have just made of the situation must convince student and layman alike that conditions have become intolerable. It

<sup>39</sup> Conditions of work in the Department of State, especially in the Bureau of Rolls and Library, are much better than those just described, for here at least the student will find an entire table and reasonable quiet. In the office of Naval War Records they are still more satisfactory. Nowhere however does one find the workroom and the attendant that are considered indispensable in European archives.

<sup>40</sup> *E. g.*, the territorial papers are divided between the Bureau of Rolls and Library and the Bureau of Indexes and Archives in the Department of State, as are also the papers of international claims commissions.

remains to seek the remedy. Two remedies have already been attempted by Congress, but in their very nature they are but makeshifts and strike not at the cause of the trouble but at its symptoms. They are on the one hand the destruction of "useless papers", as provided for in the act of February 16, 1889,<sup>41</sup> and on the other the transfer to the Library of Congress of records having especial value.<sup>42</sup> The first of these measures affords a certain relief but it is too slight to have any marked effect upon the general situation. Its application moreover is not without danger, as evidenced by the recommendation of some "ten tons" of Confederate archives for destruction.<sup>43</sup> The second measure affords a still slighter relief, as the transfers that have been made to the Library of Congress have not rendered available any appreciable amount of space in the departments, and its application is also not without danger. One of the soundest principles of archive economy is that of the *respect des fonds*. To disintegrate a series of archives, selecting from it certain documents for preservation in a special depot, and leaving the remainder of the series to its fate, is one of the most dangerous of operations. Not only does it destroy the unity of the series, but it favors the supposition, almost invariably incorrect, that the selected documents contain all of value, and that the rest of the series is worthless. This objection does not, of course, apply to the transfer of collections which have found their way into the various offices and which may be termed "historical manuscripts" as distinguished from archives. These indeed find their proper place in the Library of Congress.<sup>44</sup>

One other measure that has been resorted to, less as a remedy than as an avowed makeshift, is the storage of the records in rented buildings. This not only, as has already been pointed out, increases many fold the dangers to which the archives are exposed, obstructs the transaction of public business, and makes whole masses of material inaccessible to the investigator, but, from the point of view of the national purse, is extravagant and wasteful. In 1906 the government paid an annual rent of \$37,600 for space, within the District of Columbia, which was used for storage purposes solely, to say nothing of the rental of office space which was used only in part for

<sup>41</sup> See above, p. 6.

<sup>42</sup> Under authority of the act of February 25, 1903 (*Statutes at Large*, XXXII. 865).

<sup>43</sup> See *Sen. Report 1083*, 51 Cong., 1 sess. For references to lists of papers recommended for destruction, to 1907, see Van Tyne and Leland, *op. cit.*, under the various offices. The danger of destroying material of historical value is lessened by a recent executive order directing that lists of "useless papers" be submitted to the Librarian of Congress before transmitting them to Congress.

<sup>44</sup> For transfers to the Library of Congress see Van Tyne and Leland, pp. 257 ff.; also the annual reports of the Librarian of Congress.



storage.<sup>45</sup> In 1910 annual rentals aggregating half a million dollars were paid in the District by the government.<sup>46</sup> It is impossible to state exactly what part of this amount should be charged to the storage of the archives, but \$50,000 would be a low estimate and \$75,000 would probably be more nearly correct. Inasmuch as the government can borrow money at three per cent. this is assuredly a high price to pay for temporary accommodations which are not only unsatisfactory and inconvenient, but which expose the government to danger of heavy loss.

The indictment against the present system would seem now to be complete. What is to be done, then, to give us a system that shall be efficient and economical, satisfying at once the requirements of the government and the legitimate demands of the student? We return to the hypothesis with which we started, that it is as much the function of government to preserve and utilize its archives as it is to levy taxes and make laws. This hypothesis is accepted in all civilized countries and is clearly admitted by our own law and practice. It is largely a question of how the function may be performed well, as in England, France, the Netherlands, Belgium, Sweden, Canada, and in certain of our own states.

The two essentials are an archive administration and an archive depot. The former should be a branch of the government service, closely connected with all the other branches, and to a certain extent controlled by them. The latter, however, is the core of the situation; and we may give its consideration precedence.<sup>47</sup>

The first matter to receive attention is the site of the building. This must satisfy the requirements of size, security, and convenience. The first of these is perhaps the most important. Whatever, within probable limits, may be the size of the building as first constructed, additions to it will be inevitably necessary and the

<sup>45</sup> *House Doc.* 196, 59 Cong., 2 sess.

<sup>46</sup> *Id.*, 785, 61 Cong., 2 sess.

<sup>47</sup> For a detailed account of the efforts thus far made to secure an archive building the reader may be referred to a document already cited: *History of the Movement for a National Archives Building in Washington, D. C.*, printed as *Sen. Doc.* 297, 62 Cong., 2 sess. It is sufficient to note here that for thirty-four years officials, students, and certain members of Congress, have at frequent intervals endeavored to secure the necessary legislation. In four Congresses, Fifty-fourth to Fifty-seventh, no less than twenty-five bills to this effect were introduced. In 1903 provision was made for the purchase of a site and the preparation of preliminary plans; the plans were drawn, and the site secured—Square 143, lying between E and F and Eighteenth and Nineteenth streets. The latter however now appears to be destined to another use. In 1911 and 1912 fresh efforts were made by the American Historical Association, and bills calling for the preparation of new plans have been introduced into both House and Senate: Sen. Bill 5179, House Bill 11850, 62 Cong., 2 sess.

location must be such as to admit of these enlargements. The requirements of security will probably be met by almost any site in the city of Washington that is likely to be selected for a public building. The conditions surrounding and ever threatening the Public Record Office in the crowded Fetter Lane, or the Archives Nationales in the congested quarter of the Marais, are nowhere encountered in Washington. Our building wherever located would not fail to have sufficient space about it to protect it from even a general conflagration. The question of convenience however is a more delicate one. On the one hand we have the departments which will be constantly calling for various records; on the other hand we have the students and other users of the archives who would naturally wish to be near the library and the Supreme Court. The site originally selected<sup>48</sup> is not ideal from either point of view. It is two miles from the Library of Congress, and while not far from the State, War, and Navy building, is not near enough to the other departments to make it conspicuously eligible on that account. It must be admitted however that contiguity to the other offices of the government is not considered essential in Europe. Fetter Lane is a considerable distance from Whitehall, and the Hôtel Soubise is a full two miles from the Ministry of the Interior, while in Dresden the new archive building is to be erected quite outside of the city. By the use of the telephone and pneumatic tubes records can be called for by and communicated to any office as quickly as though they were located in the same building, and much more quickly than under present conditions.

The size of the building will be determined of course by what it is to contain. No estimate has yet been made of the aggregate space occupied by all the records of the government. In 1906 the Treasury archives, within the District of Columbia, were stated to occupy more than a million cubic feet of space, with an annual accumulation of 25,000 cubic feet.<sup>49</sup> If one were to hazard a guess one would perhaps be not far wrong in placing at 5,000,000 cubic feet the total space occupied by the federal archives within the District of Columbia, and their present annual accumulation at 60,000 cubic feet. These figures do not include federal archives outside of Washington, which would increase them somewhat. But not all the records would be transferred to the new depot. In 1902 it was estimated that the archives that would at once be placed in the new building would occupy only about 1,300,000 cubic feet of space,<sup>50</sup> and it was with

<sup>48</sup> See note 47.

<sup>49</sup> *House Doc.* 756, 60 Cong., 1 sess.

<sup>50</sup> *History of Movement for a National Archives Building*, p. 13.



this estimate in mind, allowing for the increase of ten years, that the bill now before the Senate, calling for plans for a building which shall have 1,500,000 cubic feet of space at once available (additions to be made as needed until a total capacity of 4,000,000 cubic feet is reached) was drafted.<sup>51</sup> In the opinion of the writer this amount of space is insufficient. It is hard to believe that present requirements could be met by a building of less capacity than 2,000,000 cubic feet. Officials are almost invariably inclined at the outset to overestimate the amount of records that must be retained in their offices for the transaction of current business. Later, when the convenience and accessibility of a central depot have been demonstrated, the tendency is to "unload" vast quantities of material which it was at first supposed indispensable to retain in the offices. This tendency has caused embarrassment to many an archivist who found himself hard put to provide accommodations for unexpected acquisitions, and must be fully reckoned with in planning any archive depot. It is safe to assume then that if officials now believe that they could at once transfer 1,500,000 cubic feet of archives, out of a total of 5,000,000 cubic feet, they would within five years be ready, even anxious, to transfer at least 1,000,000 cubic feet more. At the same time the annual transfer would undoubtedly increase to at least seventy-five per cent. of the total annual accumulation. If our assumption is correct it is clear that the depot must be able at the end of five years to accommodate nearly three million cubic feet and to allow thereafter for an increasing annual accumulation of from 45,000 cubic feet upwards. Thus it would seem to be a short-sighted policy to erect a building with an immediate capacity of less than 3,000,000 cubic feet, and it should be so constructed as to be capable of being added to from time to time without marring its appearance. Furthermore these enlargements should be made before they are actually needed, for congestion within the depot would defeat one of the principal objects of its erection. By way of comparison it may be said that the total capacity of the Library of Congress is 10,000,000 cubic feet, of which about twenty per cent. is devoted to the storage of books. But the Library of Congress has many features that would not be included in an archive depot, fully eighty per cent. of which would be available for the records.

With regard to architecture and construction, while the purpose to which the building is destined must constantly be kept in mind, we may nevertheless hope for something more than a storage warehouse. Externally the building will doubtless be in harmony with

<sup>51</sup> Sen. Bill 5179. Feb. 8, 1912.

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the public buildings, undeniably successful, that have been erected in Washington within the last ten years. For the inner structure of the building however we should not fail to seek suggestions from European models, notably those already erected or for which plans have been drawn at the Hague, Rotterdam, Brussels, Antwerp, Magdeburg, Breslau, Berlin, Dresden, or Vienna. While American supremacy in library construction is unquestioned it is due mainly to extensive experience, whereas in the construction of archive depots, which in spite of superficial resemblances differ radically from libraries, we have as yet had no experience at all. This point cannot be too strongly urged and it is to be hoped that provision may be made for a thorough inspection of European depots before preparing the final plans of the new building.<sup>52</sup> In the meantime however certain requirements, with regard to which there would be general agreement, may be briefly indicated. First of all the building should undoubtedly be of the type in which storage is provided for by a stack, rather than of the type made up entirely of rooms of varying size.<sup>53</sup> The stack, familiar from its extensive use in the larger libraries, may be described as a building or portion of a building, in which a steel framework, carrying shelves, extends from the foundation up to the roof and is divided into stories about seven feet in height by platforms laid between the upright supports. The stack, or stacks (for there may be several), should be separated from the rest of the building by fire walls with steel doors, and the windows should be provided with steel shutters. So well protected should the stack be that its contents would be undamaged even though the rest of the building were entirely destroyed. Within the stack there should be elevators, a vacuum cleaning system, and ample electric light. Although European archivists regard this last with great fear, and in many cases do not allow any artificial light within the stack, the dangers attendant upon its use may be reduced to a negligible minimum by carefully enclosing all wires and by the installation of outside switches which would allow the current to be entirely shut off from the stack. Furthermore dependence upon natural light alone is attended with great inconvenience, and considerable waste of space. The ventila-

<sup>52</sup> A suggestive article by a leading European archivist is "La Construction des Dépôts d'Archives" by J. Cuvelier, in *Bibliographie Moderne*, 1909, nos. 2-4. A detailed description of a modern depot may be found in *Mitteilungen der K. Preussischen Archivverwaltung*, Heft 12 (1909): "Das neue Dienstgebäude des Staatsarchivs zu Breslau", by Dr. R. Martiny.

<sup>53</sup> The "stack-construction" is to be found in most of the newer archive depots in Europe. The "small-room" type is best exemplified by the Public Record Office. It should be remembered that most of the older European depots are ancient buildings adapted with varying success to their present use. Such for example is the Hôtel Soubise in Paris, which houses the Archives Nationales.

tion and heating of the stack must be such as to insure an abundance of air and an even temperature, avoiding dampness on the one hand and too dry an atmosphere on the other. These considerations are most important for the preservation of the archives and can not be neglected without disastrous results.

Outside the stack, in the rest of the building, provision must be made for the offices of the administration and the work rooms of employees where the archives will be received, cleaned, and repaired, arranged, bound or placed in folders and boxes, and inventoried. There should also be accommodation for photographic apparatus, and space for permanent and temporary exhibits. Finally, but by no means least, there should be accommodation for those who wish to use the archives. These would preferably take the form of two rooms, a smaller one for officials (although it is probable that most official consultation of the archives will be in the departments, to which the records will be sent when called for), and a large one for the public. This latter should be well lighted and ventilated and capable of affording generous desk space for about a hundred workers. Here of course will be found such catalogues as the public is allowed to use, as well as a library composed of guides and other aids, publications based upon the archives, and such works of reference and bibliography as are likely to be serviceable to those who come here to work. No attempt should be made to build up an extensive library but only to provide such books as are needed constantly at hand; these would consist in considerable part of governmental publications. In addition to the main reference room there might also be provided two or three small rooms where typewriters could be used by students without causing disturbance to other workers.

Such then would be the building; it remains to consider the administration of the archives and the various problems connected therewith. First of all is the question of control. Shall the records that may be transferred to the depot be placed there merely on deposit, physically in the custody of the archivist but legally in the custody and under the control of the same officials as at present? Or shall they be transferred absolutely to the archives building, their legal custody passing with them, the interests of the offices from which they come being of course fully safeguarded by statute or by regulation? Undoubtedly the latter course is preferable; it has come to be adopted in England after long experience had shown the former procedure to be unsatisfactory, and it is practically the course followed in France. It should be understood that no department or office is compelled to give up records which it believes it should retain; but the records once transferred it is much simpler and more

convenient that their legal custody should pass with them. In this way the archivist is enabled to authenticate all documents deposited with him, and responsibility is centred in a single administration rather than divided among the departments and offices.

In what body then shall the control be vested? Preferably in a board or commission rather than in a single person.<sup>54</sup> The board should be composed of representatives of each of the executive departments, as well as of the judicial and legislative branches, to which should be joined persons of eminence in the historical and legal professions. This board of record commissioners, as it might be called, in addition to having the legal custody of the records deposited within the depot, and making regulations concerning them, should be empowered to investigate the condition of the records of any office, in Washington or elsewhere, under the control of the federal government and to make recommendations respecting their preparation, preservation, and use.

At the head of the archive depot, and acting under the board of record commissioners, would be the archivist or keeper of the records. Under him would be the entire personnel of the depot from the principal assistants down to those employed in the menial positions. At first the personnel would probably be composed largely of clerks transferred from other offices—especially, of course, the file clerks and others most familiar with the records. New appointments however should be based upon the results of competitive examinations. The requirements and emoluments of positions in the archive service should be such as to attract persons of special education and training and the service should offer a career comparable, if not superior, to that offered by library work. We can hardly hope for a national *École des Chartes* and indeed the American archivist has but small need for that knowledge of palaeography, diplomatics, and chronology, which is indispensable in Europe. But he must have a thorough knowledge of American history, of the history of federal administration, and of administrative law, and should be able to read French and German with a certain degree of facility. Some of the

<sup>54</sup> Senate Bill 6728, 59 Cong., 2 sess., introduced by Mr. Lodge on December 5, 1906, was designed to create a "board of record commissioners" composed of certain executive, judicial, and legislative officers, which was to have the "sole legal custody" of all records of the government, wherever located, "in which the latest date of record is upward of 80 years", as well as of such records of more recent date as might be designated by their present custodians. The provision seems to the writer to be defective in failing to include representatives of all the executive departments or of the legal and historical professions in the board, and in imposing a chronological limitation. A chronological limit is at best an artificial one and it is quite likely that certain offices might very properly desire to retain the custody of records more than eighty years old.

most eminent of European scholars are found in the archive services of their respective countries, and it would be well for us if at the outset we could divest ourselves of the idea that a person who must be "provided for" is thereby qualified for a position in the archives.

The question what material shall be placed in the archive depot is one that will require careful consideration. First of all however it would be well clearly to establish the distinction between the public archives on the one hand, and private archives and historical manuscripts of non-archival character on the other. The place for the latter is so evidently in the Division of Manuscripts of the Library of Congress that it would appear unnecessary to emphasize the principle were it not for the tendency in America to confuse the two classes of material, a confusion that has resulted in several state archives in the gathering together of public and private archives and historical manuscripts without much distinction between the various groups. The collection of private archives and of historical manuscripts by a public archivist is justifiable and even commendable when that is the only means of assuring their preservation, but this is not the case in Washington and the national archive depot should be reserved for the public archives alone.

Which of these then shall be transferred to the national archives and which retained in the offices? It should be made clear that no department or office is to be compelled to transfer any part of its records, but, if the experience of other countries and of some of our own states may be relied upon, all will sooner or later find it to their advantage to do so. In every case the determining factor will be, first, the extent to which the records are used in the transaction of current business, and second, the character of the records themselves. Many offices seldom if ever have occasion to refer to records that date back more than five or ten years and such offices would probably transfer all but the most recent of their files. Other offices, while relying most upon their recent records, still have occasion frequently to refer to the more ancient ones and here it would be necessary to decide whether the use of the latter is sufficient to justify their retention—always bearing in mind, of course, that the new system will enable documents to be produced more quickly than at present and that the retention of records makes necessary more space and a larger clerical force than would be required if the records were transferred. Finally there are offices, notably in the State Department, which make such constant use of certain classes of records that their transfer might actually hinder rather than facilitate the transaction of business. Such records should of course remain where they are.

The character of the records themselves is also a factor in deter-

mining the disposition to be made of them. This is especially true of such as are considered confidential. While it may be assumed that records of this class will be as jealously guarded in the national archives as by their present custodians it may yet be more expedient, in certain cases, for them to remain where they are.

It is perhaps worth while to illustrate what has just been said. In the Department of State three classes of archives are in almost constant use and are furthermore of such a character that it might readily be conceded that they should not pass out of the custody of the department. These are the treaties, and the diplomatic and consular correspondence. But there are other groups of material of great historical value seldom referred to by the department, and containing little, except of recent date, that even the most zealous official could regard as confidential. These are the series of miscellaneous and domestic letters and papers, the laws, the Indian treaties, the territorial papers, and a great mass of miscellaneous material (some of which indeed is not archival at all and should be transferred to the Library of Congress). The papers of international claims commissions, while loosely regarded as confidential, might also be included among the transferable records.

Among the Treasury archives the "Secretary's files" and the records of the auditor's offices, to within a decade or so, could properly be transferred, while on the other hand the records of the secret service division and of the commissioner of internal revenue would doubtless be considered so confidential as to require their retention. In the Navy Department the records of the navy commissioners, a board long since defunct, would naturally be transferred, as well as all other records relating to the construction of ships no longer in existence. The log-books, except possibly those of most recent date, and the correspondence of naval officers anterior to the last quarter of a century would also find their proper place in the national archives. On the other hand records relating to vessels still in commission and, in general, to the national defense would undoubtedly be retained in the department. It is probable that in many classes of the naval archives the line between transferable and non-transferable records would be drawn at the year 1898. In the War Department it would appear as though most of the records prior to the close of the Civil War, or even to a later date, could be transferred with great profit to the department. This would cause the function of furnishing information to the Pension Bureau to devolve upon the archive establishment, but such a function seems more properly to



belong to record clerks than to officers of the army, and it would undoubtedly be performed at considerably less expense to the nation than at present.

Many offices have inherited or otherwise become the custodians of the records of offices which no longer exist. Thus the commissioner of internal revenue has the archives of the old office of the commissioner of the revenue, the Supreme Court has the records of the continental Court of Appeals in Cases of Capture, the Register of the Treasury has the loan office records, and another office in the Treasury Department has the papers of the Southern Claims Commission. Such material, as at present located, is only an incumbrance and its transfer to the archives would be a matter of course.

The cases that have been cited serve to illustrate the way in which the principles laid down would work out.<sup>55</sup> In general it would be found that the records retained in the offices would be mostly those of the last quarter-century, while the records of any office that has undergone a change of organization or of function would, for the period prior to the change, be transferred, as would also the records of offices, boards, or commissions that are no longer in existence, together with the records of the performance of any function that has now ceased to be exercised. Further transfers would of course be made as the records accumulate. These should be effected at intervals of from one to five years, and should be made with as much regularity as possible in order that the archivist may be prepared to receive them.

Problems of cleaning, repairing, and filing the archives as they are received from the various offices are too technical to consider in detail in the present connection. One rule may, however, be laid down that should be regarded as invariable, namely that all papers must be filed flat. This involves the labor of flattening most of the unbound papers, for the offices have generally made use of file boxes that have necessitated the folding of documents.<sup>56</sup> Whether papers shall be bound, placed in boxes, or filed in folders, is a question about which there is still much difference of opinion. Certain classes of

<sup>55</sup> A few illustrations drawn from English experience may also be given. The Foreign Office has transferred to the Public Record Office its diplomatic correspondence to 1869 as well as the archives of many of the embassies. The Colonial Office has transferred its papers to 1882; the Home Office to 1870; the Treasury retains the records of the last twenty-eight years, and makes regular annual transfers. The War Office records have been transferred to about 1868, those of the Admiralty to varying dates, but the most important to about 1860.

<sup>56</sup> Flat filing has been employed in certain of the newer offices, such as those of the Forest Service, and in certain other offices the old files have been flattened, but the greater part of the unbound records are still folded.

papers may properly be bound, but the preference of most archivists at the present time seems to be for a system of loose filing in folders or portfolios. This has the advantage of flexibility and is much less expensive than any other system.

At this point may perhaps be considered the destruction of so-called "useless papers", for it would be a sad waste of time and money to classify and file documents that were destined to be destroyed. The proper method of procedure would be for each office to indicate, whenever it transfers any body of records, which of those records have no further value for administrative purposes or will cease to have such value after a certain length of time. These indicated records should then be examined under the direction of the archivist or board of record commissioners for the purpose of determining whether they have any conceivable value for historical or other uses not administrative. When at last their complete lack of utility has been demonstrated, they should be disposed of, either immediately or upon the expiration of the term set by the office from which they came. In disposing of them, however, one precaution should be observed which is overlooked in the law of February 16, 1889: their immediate destruction, assuming that they are sold for manufacturing purposes, should be insisted upon and assured, in order to prevent any improper use of them after they pass from the control of the government.

With the useless papers weeded out and the remainder ready for their final filing, the problem of classification demands attention. It is possible only to lay down the principle that should be adhered to in the classification of all archives—the *respect des fonds*. In accordance with this principle records should be so grouped that they at once make clear the processes by which they have come into existence. Archives are the product and record of the performance of its functions by an organic body, and they should faithfully reflect the workings of that organism. No decimal system of classification, no refined methods of library science, no purely chronological or purely alphabetical arrangement can be successfully applied to the classification of archives. The sad work that Camus and Daunou made of the Archives Nationales in attempting to apply a logical system of classification should be a sufficient warning. The administrative entity must be the starting point and the unit, and the classifier must have a thorough knowledge of the history and functions of the office whose records he is arranging; he must know what relation the office has borne to other offices, and the relation of each function to every other function. It may be said that the original filing of the records should be in accordance with the sort of classi-



fication that we have indicated. This should indeed be so, and an important function of the archive administration should be to ensure for the future such a classification of current records in all the offices. But in the past many mistakes have been made and these should, if possible, be corrected when the archives receive their final classification.

The archives once classified and filed it becomes the duty of the archivist to make them accessible for administrative and literary purposes. Four classes of publications naturally suggest themselves: general guides, inventories or check lists, calendars, and collections of texts. The general guide should be an enumeration of the various groups or series of records, indicating for each series its title, the number of volumes composing it, and its limiting dates.<sup>57</sup> It does not go into details but supplies a sort of first aid to those who would use the archives. Its compilation should go hand in hand with the arrangement of the records and their final grouping.

The next step is the preparation of inventories of the contents of the different series. Such an inventory indicates the title, dates, number of documents and, very briefly, the character of the contents of each volume, box, or portfolio, in any given series. An inventory of the records of a department would include all the series formed from the archives of that department, grouped under the respective offices from which they emanate.<sup>58</sup> A series of such inventories covering all the groups of archives in the depot is probably the most satisfactory form in which to provide the student with an account of the available material. Their compactness, the ease with which they may be used, and the rapidity and economy with which they can be compiled, are all in their favor.

Then we may expect that calendars of certain of the more important documents will eventually be published. In this form of catalogue the individual document is the unit and the entry for it, besides stating its title, date, author, approximate length, etc., includes a more or less succinct résumé of its contents. A calendar may include all the documents in a given series or group or it may include

<sup>57</sup> Such for example as Scargill-Bird, *Guide to the Various Classes of Documents preserved in the Public Record Office* (third ed., London, 1908), or the *État Sommaire par Séries des Documents conservés aux Archives Nationales* (Paris, 1891). The present *Guide to the Archives of the Federal Government* published by the Carnegie Institution is both more and less than such a guide: more in that it includes descriptive notes of various series, less in that it does not include all the series.

<sup>58</sup> An excellent model of such an inventory is to be found in the *État Sommaire des Archives de la Marine antérieures à la Révolution* (Paris, 1898). More detailed inventories are those published by the Ministry of Foreign Affairs: *Inventaire Sommaire des Archives du Département des Affaires Étrangères*.

all documents on the same subject or of the same kind regardless of the series in which they are to be found.<sup>59</sup> The résumé may be very detailed, so that for historical purposes it practically takes the place of the original, as in the well-known British *Calendars of State Papers*, or it may be much briefer as in the various volumes published by the Library of Congress. The latter form is much more rapidly compiled and is, in general, more practicable.

With regard to the publication of groups of documents it may with some reason be contended that this is not properly a function of the archivist. Rather should it be left to the various historical agencies of the country. A plan is now before Congress for the establishment of a permanent Commission on National Historical Publications which if adopted will provide in the most satisfactory and systematic fashion for the exploitation of the archives.<sup>60</sup>

Finally, the question of the use of the archives both by officials and by students calls for attention. With regard to official use it may be assumed that in the great majority of cases this will take the form of a demand by a certain office for documents needed in the transaction of affairs, the transmission of the documents in question, their consultation in the office calling for them, and finally their return to the archives. The only problem is to provide for the immediate communication of such material, and, equally important, to ensure its prompt return to the archives. It may be however that certain offices, the principal function of which is to search the records, should be transferred bodily to the archives, or else abolished in their present form, and the function performed by a special corps of archive employees. Some such action would be necessary for example in the event of the transfer of the military records from which information is now furnished daily to the Pension Bureau. A third form of official use of the archives for which provision should be made, would occur when some special but extended investigation must be made on behalf of a certain office. This could be carried on, either by the employees of the archives, or by an employee of the office delegated for that purpose.

With regard to the use of the archives by students, lawyers, and others not attached to the service of the government, or by officials engaged in personal investigations, it becomes necessary to formulate regulations. We cannot here enter into a detailed discussion of such

<sup>59</sup> A calendar of the first sort would, for example, be one of the Captains' Letters from the naval archives; of the second type, a calendar of papers relating to the administration of Indian affairs; of the third, a calendar of petitions to Congress.

<sup>60</sup> See *Report to the President by the Committee on Department Methods: Documentary Historical Publications of the United States Government* (1909).

regulations but it would be well to indicate in a general way what classes of records may be made available for non-official use. In most countries a chronological dead-line is drawn beyond which the student may not extend his researches. Thus in France the archives of the Ministry of Foreign Affairs are open to February, 1848, while in the Archives Nationales documents over fifty years old may be called for. A limitation of this sort is undoubtedly convenient from the administrative point of view, but it is artificial and needlessly hampers or makes quite impossible many lines of investigation. A more satisfactory procedure would be to establish a chronological line on the earlier side of which any investigation (except possibly in certain specified cases) could be made without the obtaining of special consent, but on the later side of which each case should be treated on its merits, the decision as to whether the documents asked for should or should not be communicated to be made by the board of record commissioners after consultation with the department or office concerned. The principles upon which such decision should be based have been admirably stated by an official of the government as follows:<sup>61</sup>

(a) Archives which represent completed incidents which carry no sequence may cease to be confidential as soon as the incidents are closed.

(b) Archives which relate to political events may be open to general inspection when danger of inflaming public opinion by their revelations has passed.

(c) Archives which contain personal information affecting individuals may cease to be confidential after two generations have passed.

(d) Archives which pertain to international relations must remain confidential as long as they relate to pending negotiations, or if they contain information which would disturb or lessen international good feeling.

(e) Archives furnishing information which might be used against the government's interests should remain confidential.

Such, then, in outline is the plan offered for the administration of the national archives. It has been shown that the present conditions have become intolerable, and that the remedial measures thus far tried are but makeshifts, aggravating the many evils rather than affording relief. To continue as at present is to perpetuate inefficiency and extravagance and to incur risks for which no government should wish to be responsible to the nation. It is the plain duty of Congress to provide a better method, a system adequate to the

<sup>61</sup> Paper by Gaillard Hunt, chief of the Division of Manuscripts in the Library of Congress, read at the congress of archivists held in Brussels in 1910 and included in the *Documents Préliminaires* printed by the committee of organization prior to the opening of the congress. Mr. Hunt's paper was offered in discussion of the subject "Comment doivent s'opérer les versements des archives des administrations contemporaines dans les archives anciennes?"

administrative needs of a great government, a building worthy of a great nation, in which both the requirements of public business and those of historical scholarship shall be completely satisfied. The very absence of a system and of a building leaves us *carte blanche* for arrangements marked by ideal excellence. Why should the nation not have the best of all national archive buildings? Is it not incumbent upon all who cherish our history, and who desire that the rightful heritage of future generations shall pass to them unimpaired, to urge vigorously upon Congress the performance of this long-neglected duty, the meeting of this pressing problem by an ideal solution?

WALDO GIFFORD LELAND.

## LEGALIZED ABSOLUTISM EN ROUTE FROM GREECE TO ROME

THE deification of Hellenistic kings and Roman emperors is commonly regarded as a manifestation of religious life.<sup>1</sup> In this paper, on the contrary, the view is maintained that it was essentially a political device. I have, accordingly, attempted in the following pages to arrange on a somewhat novel principle the chief materials bearing upon this institution during a critical period of its development. I believe that a better understanding of the significance and importance of the institution itself is the result.

In three specific points, moreover, I have failed to find my conclusions anticipated in the extensive and widely scattered literature of the subject. These three points are: (1) that the Roman Republic escaped the need of forming permanent treaties with the Greek states by exploiting the position and rights conveyed to it by deification (see below, pp. 30 and 37 ff.); (2) that the apotheosis of rulers at their death, being necessary to validate their *acta*, was introduced expressly for this purpose (see below, pp. 33, 35, and 42 ff.); (3) that in the Roman application of the principle of deification of rulers an important distinction was drawn between *ingenui* and *liberti*—between citizens by birth and citizens by adoption (see below, pp. 40 and 43 ff.).

These conclusions, I believe, help materially to establish the truth of my original contention, that, as Tacitus says, the worship of rulers, *specie religionis*, was really an *arx aeternae dominationis*.

From the standpoint of the constitutional historian the most important product of the century which followed the birth of Alexander the Great was the union then achieved of groups of city-states into large territorial aggregates. The city-state seemed to the contemporaries of Aristotle, as to the contemporaries of Pericles, indispensable for the maintenance of civil liberty. It alone

<sup>1</sup> Primitive man, who thought spirit powers to be incarnate in dangerous or useful animals, could hardly escape making his king a god (Frazer, *The Golden Bough*, third ed., vol. III., *The Dying God*). But when he ceased to be primitive his point of view changed. Thus in the time of Ptolemy II., Ergamenes, king of the Ethiopians, "having received a Greek education which emancipated him from the superstitions of his countrymen", refused to have his body treated as merely the receptacle of an ancestral deity. Yet we are commonly told that Alexandria and Athens accepted the ideas of animism at the very time that they were discarded in Meroe. *Credat Iudaeus Apella, non ego.*

guaranteed the reign of law in public and private affairs. Besides being the only instrument devised by free and civilized peoples for preserving order, administering justice, and collecting taxes, it alone enabled all citizens to participate in politics; and without the intimacy which it produced among its inhabitants the constant interchange of ideas between creative geniuses and the receptive masses, which made the advance of culture steady, vital, and rapid, was unthinkable. Autonomy, however, was thought, in the age of Aristotle as never before, to be essential in a city-state, and the right of local self-government was now protected not only by strong sentiment, but also by the most authoritative political science. It could not be infringed with impunity, and the experience of the tyrants in Sicily and the tyrannical cities in old Greece had by this time proved clearly that lawless constraint would not be tolerated long. Yet the demonstration had been made with equal decisiveness that the city-states individually had failed to meet the need of defense against outsiders, of peace between communities, and of order within them. Accordingly, the great administrative problem which pressed for solution during the rise of Macedon and Rome was how to conciliate city autonomy with a powerful protective government.

Three notable solutions were forthcoming in the century following 356 B.C. One of them was that reached and applied by Rome in Italy. Its essential features were, on the one hand, the incorporation of men as individuals or in groups, as municipalities, into her citizen body in order the better to plant the faithful Roman and Latin colonies up and down the peninsula; and, on the other hand, the formation of the well-known perpetual treaties with the new and old cities in Italy—treaties by which the “allies” of Rome obligated themselves for all time to render her military aid and to carry on negotiations with one another and with the outside world only through her. Such treaties stopped at the edge of Italy. As Matthaei<sup>2</sup> has shown recently, the normal relation of Rome with the Greek world was defined as *pax et amicitia* (εἰρήνη καὶ φιλία): when a *foedus* was arranged it was a *symmachia* of the regular Greek sort, terminable at will, or at the end of a stated time, or on the completion of a given act; and, as the Romans used it, terminated in fact when its own conditions were satisfied. Nothing was arranged in the normal status of *pax et amicitia* as to contributions of men and money to be made to Rome; nor was any limitation placed on the diplomatic liberty of the contracting parties. Yet in the course of the first generation

<sup>2</sup> *Classical Quarterly*, I. 182 ff. (1907).

after 200 B.C. Rome put the same demands upon her Greek *amici* as she put upon her *socii* in Italy. In the case of the latter she did not exceed her treaty rights: in the case of the *amici*, according to Matthaei,<sup>3</sup> she acted without the least regard for formalities or the pretense of justice. This view I believe to be incorrect. Lawlessness of this kind was not only intolerable in a constitutional world such as existed in the Mediterranean areas in the second century B.C., but also quite unnecessary.

Another of the three remedies for the evils of city particularism I shall not enlarge upon here. The federal leagues of the Aetolians, Achaeans, Boeotians, Phocians, Lycians, Ionians, Islanders, and other peoples, need only be alluded to; and it is the idea for which they stood—union for protection against the outside world and one another, separation for all other matters—that we commend most highly to-day.

Of much larger contemporary import and interest, however, was the third, that which Alexander the Great devised.<sup>4</sup> It was a stroke

<sup>3</sup> *Classical Quarterly*, I. 203 ff.

<sup>4</sup> Eduard Meyer (*Kleine Schriften*, pp. 302 ff.) has controverted, successfully, I am convinced, the view of Hogarth (*English Historical Review*, II. 317 ff., 1887; cf. Niese, *Hist. Zeitschrift*, LXXIX. 1 ff., 1897) that Alexander did not demand for himself divine honors, but that they were pressed upon him by his subjects. It is not a case of *either—or*, but of *both—and*. It is of course true that before Alexander's time Lysander (Duris in Plutarch, *Lysander*, 18), Philip, and others, were given *ισθθαιοι τιμαι* by Greek cities subject to their will. The originality of Alexander consisted in turning the need of the Greek cities, as well as the teaching of Aristotle (see below, pp. 37–38), to service in state-building.

Wilamowitz (*Aristoteles und Athen*, II. 414 ff. and *Staat und Gesellschaft der Griechen*, pp. 151 ff., where he says: "Die Göttlichkeit des Herrschers war eine unausbleibliche Folge davon, dass die absolute Herrschaft, die nur dem Ausnahmemenschen zukommt, zur Institution geworden war"), Kaerst (*Geschichte des Hellenistischen Zeitalters*, II. 209 ff.), and Bauer (*Vom Griechentum zum Christentum*, chs. iv. and v.), trace the disposition of the Greek cities to deify Lysander, Alexander, and others, not to the political necessity of legalizing despotism, but to a genuinely religious sentiment felt, it is alleged, by the Greeks for great personalities. That, it seems to me, is to speak, if at all, with Aristotle, and perhaps with Alexander and his *diadochi*, but not with the generality of people whose ideas eventually prevailed. With them the possession of absolute power was the sole prerequisite. This is, indeed, the inference which Kaerst, despite his theory, has to make from his examination of the available data: "Wir finden fast durchaus die sakrale Verehrung in engem Zusammenhang mit dem politischen Abhängigkeitsverhältnis der Städte zu den Herrschern, so dass der Kult, auch wenn er nicht unmittelbar von diesen veranlasst ist, doch eben ein sakraler Ausdruck des Abhängigkeitsverhältnisses wird" (II. 408). This conclusion, moreover, is not invalidated by the brilliant article of Kahrstedt, "Frauen auf Antiken Münzen" (*Klio*, X. 261 ff., 1910). We may grant with Kahrstedt that, as wives of kings, queens had no right to appear as goddesses on imperial coins, and that they acquired it only on their death by apotheosis; nevertheless, even though they were not colleagues of their husbands in the government, their power in the state was great and well known to the subject cities. The most powerful queens are the



of genius. To himself he secured the suprême and absolute direction of ecumenical affairs and the right to interfere at pleasure in every city in his empire by requesting each one of them to enroll him among its gods. The greeting of Ammon, whose influence had waxed in Greece as that of Delphi had waned, gave them an adequate pretext to accede to his suggestion; for, once Zeus through his most authoritative oracle had recognized Alexander as his son, no valid objection could be offered to his deification even by men who, in this age of general indifference, retained their faith in supernatural powers or their aversion to religious change.

When the Greek cities had placed Alexander in their circles of deities he was at once free from all the treaty obligations accepted by him at the Congress of Corinth, and his first effort in his new capacity was to rid his realm of all its homeless and lawless men by requiring every city to receive back its exiles. What a gain to the world that this great problem could be finally attacked vigorously yet legally! Of course, Alexander had become with deification, not a Homeric, but a fourth-century B.C. god—one who had law in his own nature, and operated, not capriciously, but by means of general enactments.<sup>5</sup>

The deification of a living ruler was, accordingly, in its genesis and essentially a political contrivance: it was only formally and secondarily a matter of religion.<sup>6</sup> At the death of the god-king, ones who appear most frequently as deities on the city coins. More than flattery of their husbands or sons is involved. The royal title was unnecessary for the receipt of divine honors even in the case of men. Antigonus I., for example, was deified by the cities of his satrapy while still in theory a subordinate.

\* *Προτάγματα*, a term which was subsequently used to designate the "commands" issued to their devotees by the Egyptian and Syrian deities.

\* It is not my purpose to trace the history of the religious forms which were used in the worship of the deified kings. In the beginning at least they were not different from those due any other god (see below, p. 38). Naturally, the vote of the sovereign assembly which made the king a god was an addition to the customary ritual, but it was the same electoral act which had from of old legalized the importation of foreign deities, and the consultation of an oracle was its common preface (see the cases of Asklepios and the "heroes" of the Cleisthenian *phylae* in Athens). The transfer of the god-king from earth to Olympus did not require the manufacture of altogether new machinery. The Attic vase painters knew how Hercules, Dionysus, and Ganymede reached the divine abode. Still, less symbolical modes of transit were required by a less polytheistic and more prosaic world, as Cumont has shown in his recent articles on the subject, "L'Aigle Funéraire des Syriens et l'Apothéose des Empereurs", *Rev. de l'Histoire des Religions*, LXII. 119 ff. (1910); LXIII. 208 ff. (1911). Naturally, the birthday or the accession-day—*Epiphania*—of god-rulers was a more striking and significant occasion than anything similar in the careers of other deities. Hence the celebration of the *γενέθλιος ἡμέρα* (*natalis*) or the *ἡμέρα διαδόματος* on its monthly recurrence did not, indeed, bring with it a new religious form, but it emphasized greatly an old one. See W. Schmidt, *Geburstag im Altertum*, and Pauly-Wis-sowa-Kroll, *Real-Encyclopädie der classischen Altertumswissenschaft*, VII. 1, s. v. *Γενέθλιος ἡμέρα*.



"when he departed the life among men", as the stock phrase ran, the usages applied from of old to the honored dead were rendered to him—not before. Those err completely who derive the apotheosis of living rulers from the cultus of the dead.<sup>7</sup> Only the departed became "heroes" in Greece; and it was primarily for the purpose of guarding and sanctioning the social and political order which they had established while in the flesh that departed rulers became or remained gods in Alexander's time and thereafter. The legislation of city-states had continuous validity because of its popular source: it acquired its authority through being an expression of the will of the eternal god Demos, as the Athenians phrased it when in 229 B.C. they restated the theory of their state in Hellenistic terms. The *acta* of a deceased monarch, on the other hand, like those of a Roman magistrate at the expiry of his term, would have ceased to be any longer valid had their author not remained a god. The same necessity led the Greeks to deify their rulers which forces the German emperor to seek in the divine right of kings a sanction for acts which rest upon his own will alone. Deification stood to the *acta* of departed rulers as the *lex* did to the *edictum* of the annual praetor.<sup>8</sup>

To sophisticated Greeks of the third century B.C. all the gods were simply departed men. The Athenians sang on a noted occasion: "The other gods are a long way off, or have no ears, or no existence, or pay no heed to us; but [turning to the deified Demetrius] thee we greet face to face, a true god, not one of wood or stone." The other gods might be a reality in the minds of their worshippers alone, as in the new creed of Euhemerus; or they might live apart in the interstices of the worlds, as Epicurus taught; or they might be implicit in the order of the family, state, or nature, as in Stoic pantheism; or they might carouse on Olympus. The essential thing for their recognition as gods was now the gratitude of men for the services which they had rendered. This sentiment, however, might create new gods among the living as well as main-

<sup>7</sup>This is the cardinal error of Kornemann, "Zur Geschichte der Antiken Herrscherkulte", *Klio*, I. 51 ff. (1901). It is shared, however, by Wendland, *Zornig, Zeitschrift f. neuest. Wissenschaft*, V. 335 ff. (1904), and by Bauer, *op. cit.* Wilamowitz (*Staat und Gesellschaft*, p. 151) in his latest work has emancipated himself from it. Bevan, "The Deification of Kings in the Greek Cities", *English Historical Review*, XVI. 632 (1901), all but escapes it.

<sup>8</sup>Failure to grasp this idea is the one striking defect in the otherwise excellent appendix ("Der Hellenistische Herrscherkult") in Kaerst's *Gesch. d. Hell. Zeitalters*. II. 374 ff., and especially p. 414. See also this same author's *Studien zur Entwicklung der Monarchie im Altertum*, pp. 51 ff.

tain the cultus of those already created.<sup>9</sup> In antiquity the third century B.C. was pre-eminently the age of science, enlightenment, and scepticism. Hence it was no accident that precisely this epoch nurtured Caesar-worship.

Deification of living rulers is, accordingly, a product, not of superstition, but of irreligion.<sup>10</sup> There is, moreover, nothing Oriental about it; for its origin presupposes a condition which the Orient lacked<sup>11</sup>—autonomous city-states, in whose midst there was place only for citizens, over whom could preside only gods or tyrants. And as a matter of fact prior to Alexander's time the Orient knew nothing identical with the Hellenistic worship of kings, for even in Egypt, as Wilcken has insisted recently, there was and always remained a difference in idea and cultus between Alexander and the Ptolemies who succeeded him, as the rulers of Greek cities, and Alexander and the Ptolemies as the lords of the native population.<sup>12</sup>

<sup>9</sup> On the internationalizing of Athens in 229 B.C. the god Demos—whose *hegemon* was now Aphrodite—was associated by Eurycleides and Micion with the Charites, and the cult of their common *temenos* was made hereditary in the family of the two leaders (Ferguson, *Hellenistic Athens*, p. 212). This act needs no commentary to those who have learned to think Greek. Demos was there to govern Athens; the Charites to denote the gratitude of the citizens to the foreign potentates on whose good-will the liberty of their city was dependent (Haussoullier, *s. v. Demos* in Daremberg et Saglio). The feeling thus symbolically expressed by the Athenians was the ultimate source of much contemporary so-called religion. It led men to *deify* potentates who ordered as well as benefitted and saved. The position of authority was, however, necessary since, otherwise, *citizens* who were *euergetae* and *soteres* must have become gods of their native towns (see below, note 26). It is the Roman Cicero who has formulated for us the theory of deification of rulers, as of so many other Hellenistic institutions. In *De Rep.*, I. 7, 12, he says: "Neque enim est ulla res in qua propius ad deorum numen virtus accedat humana quam civitates aut condere novas aut conservare iam conditas." And in the *Somnium Scipionis*, 5, we read: "Omnibus qui patriam conservaverint, adjuverint, auxerint, certum esse in caelo definitum locum, ubi beati aevo sempiterno fruuntur; nihil est enim illi principi deo qui omnem mundum regit, quod quidem in terris fiat, acceptius quam concilia coetusque hominum iure sociati, quae civitates appellantur; harum rectores et conservatores hinc profecti huc revertuntur."

<sup>10</sup> Bevan, p. 631.

<sup>11</sup> The reason why the chief European monarchy, Macedon (like Sicily under Hieron, where the case is identical), lacked the deification of kings (Wilcken, *loc. cit.* below, note 12) was not because it was out of contact with the East but because it had a constitutional and not an absolute monarch (Tarn, *Journal of Hellenic Studies*, XXIX. 268, 1909; Ferguson, *Hellenistic Athens*, p. 190). When it was under Demetrius Poliorcetes it too had a divine king (*ibid.*, p. 148). The view that the custom is of Oriental origin was wrongfully maintained by Beurlier in a dissertation which long remained the only comprehensive treatment of the matter, *De divinis Honoribus quos acceperunt Alexander et Successores eius* (Paris, 1890).

<sup>12</sup> Mitteis and Wilcken, *Grundzüge und Chrestomathie der Papyrskunde*, vol. I. 1, pp. 98 ff. The same distinction was preserved in Roman Egypt, as Blumenthal has recently shown. ("Der Aegyptische Kaiserkult", *Archiv für Papyrusforschung*, V. 317 ff., 1911.) The date at which Ptolemy Soter first appointed an imperial

To the latter they were the reincarnations of Ammon-Ra, and in their case the idea expressed by the adage, "The king is dead; long live the king", was fundamental. There could be no Pharaoh without an indwelling god; a god who was, of course, without beginning and without end—from everlasting unto everlasting; who simply revealed himself in the person of Alexander or Ptolemy. A similar conception of the king, as a great god incarnate in a ruler, made its appearance in the Asiatic world also in Hellenistic times; and, indeed, this idea, or one quite similar to it, proved helpful everywhere to overcome the reluctance of pious people to render divine honors to human beings. Alexander, no less than Mithradates and Mark Antony, was deified in Athens as a New Dionysus. Its acceptance in governmental circles, however, came only with the accession of Antiochos IV. to the throne of the Seleucids in 175 B.C., when he presented himself to his subjects as the *θεὸς Ἐπιφανής*. Between 323 B.C. and 270 B.C., on the other hand, the divinity of the living ruler depended in Greek political thinking wholly upon the initiative of the city-community. Thus it was the Rhodians who in 304 B.C. classified the first Ptolemy as the Saviour God; later half a generation had passed that the Islanders followed the lead thus given, and it was not till his death (283 B.C.) when his physical power ceased, that a substitute for it was obtained when Ptolemy II. ordained his father's deification throughout the empire.<sup>13</sup> Only in 270 B.C., when the second Ptolemy was joined to his deceased, and hence deified, sister-queen Arsinoe in the cult of the *θεοὶ Ἀδελφοί*, did a successor of Alexander venture to request everywhere in his realm the position demanded by the great con-

priest for the cult of Alexander the Great in Alexandria lies apparently between 311 B.C. (Rubensohn, *Elephantine-Papyri*, 1) and 289/8 B.C. (*ibid.*, 2 and 3). I conjecture that prior to this date Alexandria, like other colonies of Alexander, had the rights and governmental organs of an autonomous πόλις (Schubart, *Archiv für Papyrusforschung*, V. 35 ff., 1909); hence also the right to select its own priest to minister to its god Alexander. After this date Alexandria was apparently governed by Ptolemy and his officials (see Mitteis and Wilcken, *op. cit.*, vol. I. 1, pp. 14 ff.).

<sup>13</sup> In the Seleucid empire also it was the need which Antiochus I. experienced of finding a legal basis for the enactments of his deceased father that led to the creation there in 281 B.C. of a *Staatskult* of Seleucus as Zeus Nikator. The worship of the living ruler was prescribed later by Antiochus II. (262–246 B.C.) Beloch, *Griechische Geschichte*, vol. III., 1, pp. 371 ff. Bevan (pp. 632 ff.) makes the honors of the living an anticipation of the honors due at death. This is to put the cart before the horse. There was no *Staatskult* of either Ptolemy I. or Seleucus I. during their lifetime. On the other hand, we may concede the probability that a halo tended to gather round the head of the son of one who was already a god-king, be he living or departed. Still, the crown-prince seems not to have received divine honors—at least in the imperial cult (see, for example, the case of Germanicus, below, note 45).

queror. Henceforth we have to distinguish in Egypt between the imperial cult (*Staatskult*) of the living ruler, which was prescribed by the monarch, and the city cult (*Städtekult*), which owed its existence to popular initiative. By the one loyalty was demanded, by the other it was tendered freely. Thereby the relation of ruler and subject ceased to be merely that of stronger and weaker and became instead legitimate and permanent. A Greek cult of double aspect thus appeared to supplement the worship accorded by the native Egyptians to their Pharaoh. Henceforth the Ptolemaic empire culminated from one point of view in the god-king Pharaoh = Ptolemy—and from another in the new hybrid imperial god Osiris = Serapis.

The step thus taken by Ptolemy Philadelphus was quickly taken by his rivals and contemporaries also. It was not, however, a long one; for already scores of Greek cities had acknowledged their allegiance to their rulers for the time being by elevating them to the hierarchy of their deities. Thus prior to 311 B.C. Skepsis had established a sacrifice, *agon*, procession, and fête (*θυσία, ἀγών, στεφανηφορία, πανήγυρις*), in honor of Antigonos Monophthalmus, and on coming definitely into his realm by the treaty of that year it provided him with the equipment of a god which could not be cancelled at a moment's notice—a *temenos*, altar, and idol.<sup>14</sup> In 307 B.C. Athens had classified both Antigonos and his son Demetrius as its Saviour Gods.<sup>15</sup> Four years later, when Demetrius revived the Corinthian League, Athens, now wishing to withdraw from its dependence upon him, chose to view him as bound by the conventions of the League to give the city complete internal freedom; but, as Plutarch tells us, the suzerain forced the Athenian assembly to decree that his will was supreme in all matters secular and religious.<sup>16</sup> As yet there was no god Demos to contend with him for priority among the Olympians. In general it seems that the cities—viewing dependence as inevitable—voluntarily elected their rulers to godhood, thus saving their self-respect by escaping the necessity of yielding to illegal commands.<sup>17</sup> Oftentimes the conferring of divine honors upon a ruler was little more than a compliment: it was a mere expression of respect or loyalty, and might signify as little as when a Spaniard offers his guest all his possessions.<sup>18</sup> Not infrequently, however, the presence in the autonomous city of an *epi-*

<sup>14</sup> Dittenberger, *Orientalis Graeci Inscriptiones Selectae*, 6, n. 6.

<sup>15</sup> Ferguson, *Hellenistic Athens*, pp. 64, 108 ff.

<sup>16</sup> Plutarch, *Demetrius*, 24; *Hellenistic Athens*, pp. 121 ff.

<sup>17</sup> The best account of the development just sketched is to be found in Kaerst's appendix already cited.

<sup>18</sup> Holm, *The History of Greece* (Eng. trans.), IV. 63.

states showed that the divine ruler condescended to use other than spiritual weapons.<sup>19</sup> Nowhere can a safe inference be made as to the practice and extent of monarchical interference in a city's government from the fact that it enrolled a king among its deities. The situation must be investigated in each particular case. It was, indeed, inevitable that a city which, like Athens, Rhodes, or Delos, strove to maintain a neutral position should have several god-kings at one and the same time. For this purpose a community was divisible into parts, over each of which a human deity might preside. Thus Athens had at times rival kings as the eponymous "heroes" of various of its *phylae*.<sup>20</sup>

The world of the Greeks into which the Romans came, first in Magna Graecia and Sicily and then beyond the Adriatic, had become thoroughly habituated to the view that a monarch who created laws and did not have to obey them was a god; and though men were reconciled to this issue on different grounds—some by disbelief in all supernatural powers, others by the doctrine of an incarnation, which might be direct or by descent from one or both parents or more frequently from a remote ancestor, and still others by confusing the cultus of the living king with the heroic honors accorded to his departed predecessor, no one was unfamiliar with Alexander's device of legalizing absolutism by deification.

The question must, accordingly, be asked: Was this expedient used to give a legal basis for the demands put by Rome upon its Greek *amici* in excess of or without warrant in treaty stipulations? Theory presented no difficulty. Thus in the teaching which Aristotle<sup>21</sup> had given to Alexander no distinction was drawn in this respect between the one and the few—monarchy and aristocracy.

If however there is an individual or more persons than one, although not enough to constitute the full complement of a State, so pre-eminent in their excess of virtue that neither the virtue of all the other citizens nor their political capacity is comparable to theirs, if they are several, or, if it is an individual, to his alone; such persons are not to be regarded any more as part of a State. It will be a wrong to them to treat them as worthy of mere equality when they are so vastly superior in virtue and political capacity, for any person so exceptional may well be com-

<sup>19</sup> *IG.*, XII. 3, 320; 5, 2, 1061; Dittenberger, *OGIS.*, 254; cf. *Hellenistic Athens*, p. 47; Holleaux, *Bulletin de Correspondance Hellénique*, XVII. 52 ff. (1893), and Cardinali, *Il Regno di Pergamo*, pp. 275 ff.

<sup>20</sup> Into the theological question which arose when a Ptolemy or an Attalus obtained Athenian citizenship it is inexpedient to enter. He, of course, did not really mean to obey the laws and decrees of Athens. A courtesy was all that was involved. It is noteworthy that Attalus II. belonged to the *deme* Sypalettos, of the *phyle* Cecropis—not to the *phyle* Attalis. Ptolemy VI., on the other hand, was registered in the *phyle* Ptolemais (*IG.*, II. 966).

<sup>21</sup> *Politics*, III. 13, 13 (p. 1284a).

pared to a deity upon the earth (ὥσπερ γὰρ θεὸν ἐν ἀνθρώποις εἰκὸς εἶναι τὸν τοιοῦτον). . . . It remains then, as indeed seems natural, that all should render willing obedience to such an one, and that he and his like should thus be perpetual kings within their States.

Was, however, the step actually taken of adapting the Greek institution to the needs of the Roman government? The answer must be given in the affirmative.

To take the place of a Seleucus, Attalus, or Ptolemy, the Greeks invented a goddess Roma. "An sich", says Richter in Roscher's *Lexicon*,<sup>22</sup> "hat also eine dea Roma keine Existenzberechtigung; sie ist denn auch der römischen Religion zunächst durchaus fremd und, wie Preller, *Röm. Mythol.* 2<sup>3</sup>, S. 353 sagt, den Römern von den Griechen aufgeredet worden."

Just as Seleucus, Attalus, and Ptolemy were honored with *agones*—Seleuceia, Attaleia, Ptolemaeia—so Romaia were instituted in honor of Roma.

The epithets Euergetes and Soter were the ones most commonly applied to the Hellenistic kings by their grateful subjects: the Roman senators and officials became Euergetae or Soteres.<sup>23</sup>

The nature of the goddess, whose orders were recognized as legal by the Greek cities, was further defined by her association with the deity Pistis or Fides—the relation being symbolic of the fidelity to friendship and loyalty to obligation professed so insistently by the Romans.

Where on earlier occasions access to the Greek councils and ecclesias was given to privileged persons μετὰ τὰ ἱερὰ καὶ τὰ βασιλικὰ it is given henceforth μετὰ τὰ ἱερὰ καὶ τοὺς Ῥωμαίους.

The honors due a god-king on his arrival in a dependency involved a *pompe* or procession: whenever one of the Euergetae came to Athens in the latter half of the second century B.C. a procession of ephebes and magistrates met him to escort him as he entered. It was, doubtless, similar elsewhere. In Athens, moreover, a special pulpit was erected for him to occupy if he chose to address a message to the assembled people.

The god had his temple: the Roman senators and magistrates in Athens and elsewhere, in Sparta for example, had their *Romaion*—in Athens a temple-like structure with a stoa in front—in which they were lodged, presumably. We recall how Demetrius Poliorcetes took his residence in the Parthenon in the winter of 304–303

<sup>22</sup> *S. v. Roma*, p. 130.

<sup>23</sup> *IG.*, II. 551. 94; Dittenberger, *Sylloge Inscriptionum Graecarum* (second ed.), 521, 15; 930, 46; 329. Collitz-Baunack, *Sammlung d. Griech. Dialekt-Inschr.*, II. 2724; Kern, *Inschr. von Magnesia*, p. 94; Wendland, *loc. cit.*, p. 341, n. 4.



B.C. and in the *hieron* of Apollo at Delos in the preceding summer. The account is still extant of the expenditure made by the Delian *hieropoiei* to clean up the mess (κόπρος) he left.

That Roma was primarily a political personage among the recognized deities of Athens is clear from her associations. When a republican government was restored in 229 B.C., after a generation of Macedonian rule, the god Demos was added to the cult of the Graces and a new *temenos* was laid out for them. When with Roman ascendancy the Romans became partners with the people in governing the Athenians, Roma also entered the coalition, and the priest who ministered to the triple alliance was styled "of Demos, Roma, and the Graces". The case was similar elsewhere. Thus, on the island of Delos, of which Athens got the government from Rome in 166 B.C., Demos became one partner of Hestia—the goddess of the civic hearth—and Roma another.<sup>24</sup>

The conclusion seems reasonably safe, therefore, that the Roman people got the right<sup>25</sup> to make such demands as it pleased, or as Fides permitted, of the Greek cities with which its normal status was *pax et amicitia*, by the enrollment of Roma among the deities of each city, and the recognition accorded to the Roman governing aristocracy as in fact *θεοί*.

This being the significance of the worship of Roma, it is clear that Roman citizens could not with propriety take part in it any more than a Ptolemy could worship himself.<sup>26</sup> As a matter of

<sup>24</sup> References for the preceding paragraphs are given in *Hellenistic Athens*, pp. 366 ff. and 383.

<sup>25</sup> In 170 B.C. a decree of the Senate was passed reserving to this body alone the right to make arbitrary demands. See Livy, XLIII. 6; 17, 2; Polybius, XXVIII. 3, 3, 13; 11, 16, 2. Cf. Niese, *Geschichte der Griechischen und Macedonischen Staaten*, III. 136 ff.

<sup>26</sup> Instructive in this connection is the Mytilenaeon dedication with the following three inscriptions (Dittenberger, *Syll.*, 338–340): Γναίῳ Ποντηίῳ Γναίῳ υἱῷ Μεγάλῳ, αὐτοκράτορι, τῷ εὐεργέτῃ καὶ σωτῆρι καὶ κτίστῃ. | — οὐδῶ . . . ρίφ φιλοπάτριδι Θεοφάνῃ, τῷ σωτῆρι καὶ εὐεργέτῃ καὶ κτίστῃ δευτέρῳ τῆς πατρίδος. | Ποτάμῳ Λεσβώνιακτῳ τῷ εὐεργέτῃ καὶ σωτῆρος καὶ κτίστῃ τῷ πόλει. In the case of Pompey no comment is necessary. Theophanes, however, was a Mytilenaeon by birth; hence, seemingly, ineligible for divine honors in his own city. The fact was that he had received Roman citizenship (Cicero, *Pro Archia*, 24; Dittenberger, *Syll.*, 341), and, as such, might receive without impropriety the same homage as his patron Pompey. After his death he continued to be a god, and on a coin appears the inscription Θεὸς Θεοφάνης Μυρ(ιληναίων); Mionnet, *Description de Médailles Antiques*, III. 47, no. 108; Tacitus, *Annals*, VI. 18; Dittenberger, *Syll.*, 340. Potamon, on the other hand, was simply *princeps civium Mytilenaeorum*: he appears, accordingly, in the inscription quoted above, as the son of the deceased "benefactor, savior and founder of the state", Lesbónax (Λεσβῶναξ ἥρωος νεός, Mionnet, III. 48, no. 116). The use in his case of the word πόλις, in that of Theophanes of the word πατρίς, emphasizes the difference in the status of the two men. A document published by Bechtel in Collitz's *Sammlung d. Griech. Dialekt-Inschr.*, I. 373, no. 1271, runs as



fact they did not do so. Roma did not become a Roman goddess till the time of Hadrian.<sup>27</sup> When the Romaia were celebrated in Athens in 152 B.C.<sup>28</sup> the commissioners in charge were Athenians—which is the more striking since in the same year two men with Roman names helped to administer the Ptolemaeia. When, moreover, in about 126 B.C. the Romaia were celebrated on Delos, where the largest part of the population was already Roman, of the twenty-one commissioners in charge seventeen were Athenians and the other four Greeks.<sup>29</sup> As early as 140 B.C. the Italians on Delos formed an association, with three free-born and three freedmen *magistri*, or masters, at its head, for the worship of Mercury, Maea, and Minerva, together with the Lares *compitales*. Some thirty years later they reorganized their association and admitted to their circle of deities Apollo and Neptune, adding at the same time three additional freemen and three additional freedmen to their magisterial board. A little later they took possession of a fine new headquarters in which were housed Mercury, Neptune, and Apollo, as well as the *Italici*.<sup>30</sup> At this time, moreover, occurred a differentiation on which we wish to lay special stress. In the place of earlier worship—an enclosure, or *compitum*, at a central crossroads in the business part of the town—the Lares were henceforth the chief objects of devotion. For their cult, in which the slaves and freedmen had the largest part on Delos as elsewhere, a board of attendants (*ministri*)—the so-called *Kompetaliastae*, was instituted. None of these officials was ever a free-born Roman: some were freedmen and the rest Greeks. Their task was particularly the celebration of the well-known plebeian and servile fête, the Compitalia. With the disappearance of full Roman citizens from its charge and that of the *compitum* generally a further change

follows: Ποτάμωνι Λεσβώνακτος, τῷ σωτῆρι καὶ ἐνεργέτῃ καὶ κτίστῃ τῆς πόλεως. The question must therefore be asked: Did Potamon also receive the Roman citizenship? It is not necessary to make this assumption. In an inscription of the second century A.D. (*Eph. Epigr.*, II. 11, no. 7) we find a certain Artemisia designated τῶν ἀπύγωνον Ποτάμωνος τῷ νομοθέτῃ καὶ Λεσβώνακτος τῷ φιλοσόφῳ. It thus appears that Potamon was at some time appointed *dictator rei publicae constituendae*. While creator of the law (*νομοθέτης*) he was of course above it. On Dittenberger's interpretation of the third inscription from the Mytilenaeian dedication (*Syll.*, I. 546) he may have been in this authoritative position at the time the divine honors were accorded to Pompey and Theophanes.

<sup>27</sup> Wissowa, *Religion und Kultus der Römer*, pp. 280 ff.

<sup>28</sup> *IG.*, II. 953.

<sup>29</sup> *Hellenistic Athens*, p. 383, n. 1.

<sup>30</sup> With dedications made for example 'Ερμει καὶ Ἰταλικοῖς or Ἀπόλλωνι καὶ Ἰταλικοῖς (*BCH.*, XXXIV. 406, 1910) cf. those made, according to Plutarch, *Flamin.*, 16, Τίτῳ καὶ Ἡρακλεῖ, Τίτῳ καὶ Ἀπόλλωνι. The *Italici* were, in fact, at this time masters of Delos. *Hellenistic Athens*, p. 434.

could be made without impropriety in that an image of Roma and another of Pistis or Fides could be dedicated by the *Kompetalistas*.<sup>31</sup> These added deities received the homage of the rabble, of those whom Scipio Africanus the Younger had haughtily addressed a generation earlier as the "stepsons of Italy". The worship of Roma was, in fact, an acknowledgment of political inferiority. No free-born Roman citizen would think of having part in it at this time.

The living representatives of Roma, *i. e.*, the Roman *optimates*, were generally lumped together in the Greek cities as the Euergetae or the Soteres. One of them—the holder, naturally, of an important military or provincial command—might be singled out for particular reasons for special divine honors. Thus a Chalcidian hymn to the deified Flamininus is still extant as follows:<sup>32</sup>

Πίστιν δὲ Ῥωμαίων σέβομεν  
τὰν μεγαλευκτοτάταν ὄρκοις φυλάσσειν.  
μέλπετε κούραι,  
Ζῆνα μέγαν Ῥώμαν τε Τίτον θ' ἄμα Ῥωμαίων τε Πίστιν  
ἱήιε Παιᾶν, ὦ Τίτε σῶτερ.

The deification of Q. Mucius Scaevola, proconsul of Asia in 94 B.C., is attested by Mukieia celebrated long afterwards throughout this province<sup>33</sup>—so active was gratitude, or to speak with the Athenians of 229 B.C., the Charites, to create new gods in this age. Sulla got Sulleia in Athens, Mark Antony Antonieia,<sup>34</sup> and other governors, like Metellus in Pergamum,<sup>35</sup> Pompey in many places,<sup>36</sup> and the infamous Verres in Sicily,<sup>37</sup> were similarly honored. Even Cicero, somewhat to his embarrassment, found himself the recipient of divine rites in Cilicia.<sup>38</sup> Hence there is nothing odd in the appearance of Sebastia for Augustus. What is a trifle unusual, especially in view of the splendid isolation of Julius Caesar, who was a god for the Romans as well as their foretime subjects,<sup>39</sup> is that

<sup>31</sup> For the development just sketched see *Hellenistic Athens*, pp. 355 ff., 396 ff.

<sup>32</sup> Plutarch, *Flamin.*, 16.

<sup>33</sup> Dittenberger, *OGIS.*, 438, 439.

<sup>34</sup> *IG.*, II. 481, 482.

<sup>35</sup> Dittenberger, *Syll.*, 344.

<sup>36</sup> See, for example, above, note 26.

<sup>37</sup> *Contra Verrem*, *Actio* II. 2, 154.

<sup>38</sup> Cicero, *Ad Quintum Fratrem*, I. 1, 26; *Ad Atticum*, 5, 21.

<sup>39</sup> The first universal divine king (after Alexander) was of course Julius Caesar. Thus he is defined in *CIG.*, II. 2957 as τὸν ἀπὸ Ἀρεως καὶ Ἀφροδείτης, θεὸν ἐπιφανή καὶ κοινὸν τοῦ ἀνθρωπίνου βίου σωτήρα; and in *IG.*, XII. 5. 1, 557 as τὸν θεὸν καὶ αὐτοκράτορα καὶ σωτήρα τῆς οἰκουμένης. Octavian, as Σεβαστὸς (not as *deus*), was σωτήρ τῶν Ἑλλήνων τε καὶ τῆς οἰκουμένης πάσης (*Inscr. von Olympia*, 366), or σωτήρ τοῦ κοινοῦ τῶν ἀνθρώπων γένους (*Inscriptions in the British Museum*, IV. 1, no. 894). See

Augustus demanded for Roma first place in all divine honors accorded to himself.<sup>40</sup> In reality this was simply the formal expression of his theory of dyarchical government; that in the provinces, whatever might be the case in Italy, the Roman Republic and Augustus Caesar were dual and absolute authorities. To this end the movement towards deification of rulers was guided by the new government so effectively that during the lifetime of Octavian temples or altars of *Roma et Augustus* appeared not only in the Greek but also in all the western or barbarian provinces.<sup>41</sup> And so far down was the idea of dual subjection brought in this way that the joint cult was inaugurated not only in the centres of provincial government but also in individual towns and villages.<sup>42</sup> Indeed, as we have seen, it belonged historically rather to the several city-states than to the territorial complex.

On his death Augustus became *divus* among Roman citizens. As a Roman magistrate his work was subject to the approval of the Roman Senate.<sup>43</sup> It could withhold this at any time and particularly at his decease. The *damnatio memoriae* was, in fact, the rescinding of all the emperor's *acta* which rested upon his will alone. Naturally, what was particularly affected thereby was his work in the provincial sphere, where he stood beside and not under the goddess Roma. The approval of such *acta* was given by deification (see above, p. 33). Significantly enough, and of itself affording clear proof of the constitutional import of Caesar-worship, it was among the Romans alone that Augustus and his successors, on their death and apotheosis, became *divi*. In Rome and the Roman municipalities the series of those entitled to divine honors begins with *Julius divus* and ends with the *genius* of the living *princeps*.<sup>44</sup> In the provincial cultus, on the other hand, only the *Augustus* (and *Aug-*

also Kaibel, *Epigr.*, 978, which Wendland (*Σωτήρ*, p. 343) quotes in his further development of this subject. As Augustus (*Σεβαστός*) Tiberius also was a universal deity (see below, note 45, and particularly note 59).

<sup>40</sup> Suetonius, *Aug.*, 52: "Templa quamvis sciret etiam proconsulibus decerni solere, in nulla tamen provincia nisi communi suo Romaeque nomine recepit." Egypt was in this respect, as generally, exceptional. See Blumenthal, "Der Aegyptische Kaiserkult", *Archiv für Papyrusforschung*, V. 317 ff. (1911).

<sup>41</sup> Hirschfeld, "Zur Geschichte des Römischen Kaisercultes", *Sitzungsberichte der Akademie der Wissenschaften zu Berlin*, vol. XXXV., 2, p. 849 (1888), makes an exception of Spain, but see Kornemann, *Klio*, I. 101, and Heinen, *ibid.*, XI. 158, n. 1 (1911).

<sup>42</sup> Heinen, p. 167, n. 4.

<sup>43</sup> Eduard Meyer, "Kaiser Augustus", *Kleine Schriften*, p. 479.

<sup>44</sup> See for example the *Lex de Imperio Vespasiani* and the *Leges of Salpensa* and *Malaca*, §§ 25 ff.

*usta*) of the time being was considered.<sup>45</sup> The reason for this is obvious. It was in the case of the Romans alone that a need existed for legalizing arbitrary actions. The provincials had to respond solely to the orders of living emperors: for the actions of the departed Roma, on their deification, acquired complete responsibility.

As is well known, the system of provincial proconsuls and *legati* was paralleled for fiscal purposes by the system of equestrian *procuratores*. It should be equally a matter of general knowledge that it was paralleled also by the hierarchy of provincial *sacerdotes* of *Roma et Augustus*; for through this agency the Roman Empire was shown by one and the same institution both to be a despotism and to rest, not upon superior force alone, but upon the consent of the governed.<sup>46</sup>

To worship *Roma et Augustus* was to confess subjection to Italy. That was not becoming in the case of free-born citizens of Rome. Augustus accordingly opposed the Romans when they sought to put him above the laws by giving him the homage of a god.<sup>47</sup> The citizens, of course, were no longer resident in Rome alone but in all the towns of Italy as well. Inside Italy the Roman remedy for the evils inherent in the particularism of city-states had borne fruit in the municipal system of the Lex Julia. By acquiring citizenship in Rome the citizens of the Italian towns escaped from the dictation of an outside, and hence tyrannical, power: they did not need to recognize the goddess Roma. As citizens of Rome they elected their *princeps*, or chief citizen, to high office at home and imperial position abroad: they could not worship him as the

<sup>45</sup> Hirschfeld, pp. 848 ff. The exclusion of the subordinate and female members of the Julian house was effected gradually and with difficulty. Heinen, pp. 175 ff.; Wilamowitz and Zucker, *Sitzungsber. d. Berl. Akad. d. Wiss.*, XXXVIII. 813 (1911). The provincials tended to proclaim their loyalty to all the members of what was to them the "royal family". The administrative attitude is well disclosed in an edict of Germanicus issued while on his visit to Egypt (Wilamowitz and Zucker, *ibid.*, p. 797): Γερμανικὸς Καῖσαρ Σεβασ[τ]οῦ υἱὸς, Θεοῦ Σεβαστοῦ υἱανός, ἀνθρώπου λέγει. τὴν μὲν εὐνοίαν ὑμῶν ἣν αἰεὶ ἐπιδείκνυσθε, δταν με <ε>ἴδῃτε, ἀποδέχομαι. τὰς δὲ ἐπιφθόνους[ς] ἐμοὶ καὶ ἰσοθέους ἐκφωνήσεις ὑμῶν ἐξ[ῆ] παντος παραιτοῦμαι· πρέπουσι γὰρ ὑμῶν τῷ σωτῆρι δυντὶ καὶ εὐεργέτῃ τοῦ σύνπαντος τῶν ἀνθρώπων γένους, τῷ ἐμῷ πατρὶ, καὶ τῇ μητρὶ αὐτοῦ, ἐμῇ τὲ μάμμη. τὰ δὲ ἡμέτερα ἐν ὑποπαρεια(?) ἐστὶν τῆς ἐκείνων θεϊότητος, ὥς ἐὰν μοι μὴ πεισθῇτε, ἀναγκάτέ με μὴ πολλάκις ὑμῶν ἐμφανίζεσθαι. See further in this connection Kahrstedt, "Frauen auf Antiken Münzen", *Klio*, X. 289 ff. (1910).

<sup>46</sup> Thus Tacitus (*Ann.*, XIV. 31) says in regard to the establishing of the institution in Britain: "Ad hoc templum divo Claudio constitutum quasi arx aeternae dominationis aspiciebatur, delectique sacerdotes specie religionis omnis fortunas effundebant."

<sup>47</sup> Suetonius, *Aug.*, 52; Eduard Meyer, *Kleine Schriften*, pp. 458 ff.

god Augustus without stultifying their own action.<sup>48</sup> Let us see what they actually did in the matter.

It is unnecessary to discuss the entire collection of the materials bearing upon the deification of Augustus which Heinen has made in a recent issue of *Klio*. We have merely to deal with the instances he adduces to prove that the first emperor was worshipped in Italy during his lifetime. The fact must be conceded. In at least eighteen municipalities priests, shrines, or altars are attested.<sup>49</sup> Moreover, it is clear that the Roman citizens resident in the provinces joined, on occasion, the provincials in the worship of *Roma et Augustus*;<sup>50</sup> and it must also be observed that the chief priests chosen in the western provinces for the observance of the imperial cult were regularly in possession of the Roman citizenship.<sup>51</sup>

These are the facts: they must not be misinterpreted. This is done, I believe, when evidence is found in them for the gradual revelation by Augustus<sup>52</sup> of his alleged real intent that Romans should regard him as a magistrate in mere form, as in substance an absolute monarch.

The truth is that the inhabitants of the Roman world could not be divided simply into citizens and non-citizens. There were from of old those whom Mommsen has designated the *Halbfreien*—the freedmen; with whom may be included those foreigners, *i. e.*, provincials, upon whom the citizenship of Rome had been conferred. The position of the freedmen under the republic had been an ambiguous one; after Augustus it was more closely defined.

It is clear that Augustus did not regard them as his equals. Thus he classified them as ineligible for invitations to his house, prohibited the intermarriage of senators and freedwomen, and required them to take by law the praenomen as well as the nomen of their manumittor—a tell-tale badge of clientage. In the army, when they served at all, it was as policemen and on the fleet, not with the Romans. Moreover, whereas Julius Caesar in his magnificent disregard for old distinctions had admitted freedmen to the offices in

<sup>48</sup> *Klio*, XI. 129 ff. (1911).

<sup>49</sup> Cf. Heinen, p. 175. The towns are: Cumae, Puteoli, Pompeii, Naples, Taracina, Ostia, Praeneste, Casinum, Beneventum, Fanum Fortunae, Asisium, Perusia, Pisae, Forum Clodii, Luna(?), Cremona, Verona, and Pola.

<sup>50</sup> *Revue des Études Grecques*, XIV. 37 ff. (1901); Heinen, p. 167, n. 4. The attitude of Augustus towards the Romans who had taken up their residence in the provinces is disclosed by the fact that they served in the army not with the Italians, but in volunteer cohorts. Eduard Meyer, *Kleine Schriften*, p. 485.

<sup>51</sup> Hirschfeld, p. 851. The list of Spanish priests is given in *CIL.*, II. 750 ff.; the Gallic by Auguste Bernard, *Le Temple d'Auguste*, pp. 51 ff.

<sup>52</sup> Like all the institutions of Augustus the cult of the emperor was organized, not at one stroke, but tentatively and gradually.

his new colonies, Augustus not only excluded them rigidly from all Roman and municipal magistracies, but even went so far as to take from them the franchise altogether.<sup>53</sup>

To one semi-magistracy, however, they had been eligible from of old under the republic—to the board of *magistri*<sup>54</sup> which had administered for the freedmen, slaves, and ignoble rabble of Rome the cultus of the Lares of the *compita*. To the freedmen Augustus left this *honor*. It was the *Kompetaliastae* on Delos, it will be observed, who inaugurated there the cult of Roma and Fides. In Rome the *magistri* rendered a similar homage to the emperor who was their lord; for quite as much to make clear the real political status of the mob as to satisfy the plebeian clamor for a new god Augustus had an effigy of his own *genius* put between the figures of the twain Lares which were erected anew in the chapels at the street corners of the capital.

Freedmen might worship the *princeps*, not freemen; hence in the cities of Italic and Latin right everywhere the cult of Augustus was put in the hands of Augustales—freedmen chosen for the purpose by the municipal senates. Senators, knights, provincials, and freedmen—each class had its duties assigned and agents designated for their performance, in the case of the two former, collaborators with Augustus in the work of governing, in the case of the two latter, witnesses to the beneficence of the empire and spokesmen for the loyalty of the governed.<sup>55</sup>

The worship of Augustus was, accordingly, permissible from the start among the freedmen of Italy as well as among those abroad. To become a *sevir Augustalis* was, in fact, an honor highly esteemed by them, and only the most wealthy and distinguished freedmen attained to it. The same was the case with the provincial priesthood of *Roma et Augustus*. Those who held it were the

<sup>53</sup> Mommsen, *Staatsrecht*, III. 420 ff.

<sup>54</sup> They were chosen *ἐκ τοῦ δήμου* (Dio, LV. 8, 6); *e plebe* (Suetonius, *Aug.*, 30, 1). In one case *ingenui* appear among the *magistri* (CIL., VI. 975), otherwise they are *liberti*. Their *ministri* were slaves. See Heinen, p. 166, n. 3.

<sup>55</sup> How sensitively Caesar-worship responded to governmental changes in Rome is apparent from what happened in the provinces under Tiberius. As is well known, he had the right to elect the magistrates taken from the comitia and given to the senate. Thereupon Roma was displaced by *θεὸς Σόγκλητος* or *ἱερὰ Σόγκλητος* (Hirschfeld, p. 842). As Tacitus (*Ann.*, IV. 15; cf. 55-56) says: "Decrevit Asiae urbes templum Tiberio matrique eius ac senatui", and as he makes Tiberius say (*ibid.*, IV. 37): "exemplum [Augusti] promptius secutus sum, quia cultui meo veneratio senatus adiungebatur". The impropriety of the situation presented in the western provinces was felt keenly by a stickler for formal correctness like Tiberius. Hence he declared (*ibid.*, IV. 37): "omnes per provincias effigie numinum sacrari ambitiosum, superbum; et vaneſcet Augusti honor, si promiscis adulationibus vulgatur"; and he refused to permit his worship in the Occident (Hirschfeld, p. 842).



most eminent of the provincials: in the western provinces they were, in fact, men who through securing Roman citizenship had all but disqualified themselves for the office. The most distinguished persons in provincial society were none too good to testify to the gratitude and devotion of those whom they represented at the various *arae Romae et Augusti*.

The worship of Augustus in Italy could not be confined to freedmen any more than the recipients of the Roman citizenship could be excluded from the provincial cultus. It tended irresistibly to spread to other Italians. The Greeks for example in Cumae, Puteoli, Naples, and Pompeii, lapsed easily into the practice of their kinsmen beyond the sea, especially since that had been their own practice up to the extension of the citizenship to all Italy at the time of the Social War. Communities which owed their origin and laws to Augustus, as did the colonies he had founded in Italy, tended to assume toward him the dependent attitude proper to the foreign cities to whom his will and Roma's was continuously law.<sup>56</sup> Besides, the worship of the ruler had become, as we have seen, a complex phenomenon in the days between Alexander and Augustus. Heroic honors tended by anticipation to be rendered to one who on death was, and had, to become *divus*. The divinity voted to Julius Caesar could not but put a halo upon the head of his son. With the idea of an incarnate god courtiers and court poets had at one time aimed to familiarize the Romans;<sup>57</sup> but the *princeps* would have none of it. For when he exalted his house by emphasizing its descent from Venus he did nothing that any Greek or Roman nobleman might not do with perfect propriety. All nobles were, as Homer says, *διογενεῖς*. On the other hand, that he like all men had an immortal, and hence divine, *genius*, he like all Romans believed implicitly, and for soldiers and other citizens to take oath by this, offer sacrifice to it, and erect temples, shrines, or altars for its worship, involved no political or religious impropriety.<sup>58</sup> The *genius* of the *princeps* and *imperator*, like the *juno* of Livia, was, of course, different in power, if not in kind, from that of other Romans. An *ara* or *templum Augusti* was, however, everywhere objectionable and was probably sanctioned nowhere,

<sup>56</sup> Hirschfeld, p. 838.

<sup>57</sup> Horace, *Odes*, I. 2, 24 ff. (28/7 B.C.) See further, Heinen, p. 150, n. 3.

<sup>58</sup> See Otto in Pauly-Wissowa-Kroll, *Realencyclopädie d. class. Altertumswissenschaft*, VII. 1, s. v. *Genius*: "Er ist ausserhalb des Menschen gedacht, darüber kann für die ältere Zeit gar kein Zweifel sein. Er ist *deus*, und zwar *comes* des Menschen, dem er zugehört und der unter seiner *tutela* lebt. Man betet zu ihm, man schwört bei ihm, man opfert ihm."



unless it be in the case of the freedmen.<sup>59</sup> Nor is any stronger argument as to its inadmissibility to be found than in what is sometimes advanced as proof of its toleration—the erection at Rome of altars of Pax Augusta, Victoria Augusta, Fortuna Augusta, or Fortuna Redux Augusta. What is avoided by these terms is obvious. The emperor was a complex of divine qualities, but he was himself a man.<sup>60</sup>

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<sup>59</sup> The one comprehensive title for Octavian was, of course, *Augustus* = *Σεβαστός*. This was vague enough to cover the relation of the *princeps*, as the possessor of a divine *genius* and the son of the *divus Julius*, to the free-born Romans, yet full enough of latent connotation to reveal the god to freedmen and provincials. Under Tiberius the title *Σεβαστή* is applied by the Greeks to the senate also (Hirschfeld, p. 842, n. 41).

<sup>60</sup> How Augustus thought of his honors is revealed by the anecdote found in Quintilian (*Inst. Or.*, VI. 3, 77): "Augustus nuntiantibus Tarraconensibus palmam in ara eius enatam, 'apparet', inquit, 'quam saepe accendatis'".

## THE FIRST LEVY OF PAPAL ANNATES

THE prominence accorded to annates in the discussions of the reform councils of the fifteenth century has caused them to occupy the interest of investigators from that time to the present, but the results of this activity have not been profitable in proportion to their great bulk. Earlier accounts, although some of them contain much trustworthy information, display more or less confusion,<sup>1</sup> and not until the recent appearance of works by such scholars as Kirsch,<sup>2</sup> Haller,<sup>3</sup> Samaran and Mollat,<sup>4</sup> and Göller,<sup>5</sup> based mainly on materials in the Vatican Archives inaccessible to their predecessors, has there been a fairly full and authoritative literature on the subject. Even these recent researches have added little to our knowledge of the first levy of papal annates. Although earlier writers held conflicting views,<sup>6</sup> several pointed out that the imposition of annates in the British Isles by Clement V. marks their first use by the papacy,<sup>7</sup> and, beyond confirming this conclusion, modern investigators have made small progress. To the narratives of English chroniclers<sup>8</sup> and the

Among the best of the earlier accounts are Thomassin, *Ancienne et Nouvelle Discipline de l'Eglise* (Paris, 1725), III. 1019-1033; Phillips, *Kirchenrecht*, V. 567-580; Lingard, *History of England* (Philadelphia, 1827), IV. 122; Christophe, *Histoire de la Papauté* (Paris, 1853), II. 15-16. Many modern writers also display confusion, for example, König, *Die Päpstliche Kammer* (Vienna, 1894), pp. 31, 39-40; Rocquain, *La Cour de Rome et l'Esprit de Réforme avant Luther* (Paris, 1895), II. 370-371.

<sup>1</sup> *Die Päpstlichen Kollektorien in Deutschland während des XIV. Jahrhunderts* (Paderborn, 1894); *Die Päpstlichen Annaten in Deutschland während des XIV. Jahrhunderts* (Paderborn, 1903); "Die Verwaltung der Annaten", *Römische Quartalschrift*, XVI. 125-151 (1902).

<sup>2</sup> *Papsttum und Kirchenreform* (Berlin, 1903).

<sup>3</sup> *La Fiscalité Pontificale en France au XIV<sup>e</sup> Siècle* (Paris, 1905).

<sup>4</sup> "Der Liber Taxarum der Päpstlichen Kammer", *Quellen und Forschungen aus Italienischen Archiven und Bibliotheken*, VIII. 113-173, 305-343 (1905); *Die Einnahmen der Apostolischen Kammer unter Johann XXII.* (Paderborn, 1910).

<sup>5</sup> The fathers of the council of Constance believed John XXII. to be the inventor of annates, and many writers have held the same opinion. Samaran and Mollat, p. 23. Others assign this honor to Boniface IX., for example, *Galliesii de Annatis Sermo* (Rome, 1564), cited by Göller, "Liber Taxarum", p. 114, n. 1; Phillips, *Kirchenrecht*, V. 574; Richter, *Lehrbuch des Katholischen und Evangelischen Kirchenrechts* (eighth ed. by Dove and Kahl, Leipzig, 1886), pp. 887-888.

<sup>6</sup> For example, Fleury, *Histoire Ecclésiastique* (Paris, 1726), XIX. 109; Lingard, *History of England*, IV. 122; Christophe, *Histoire de la Papauté*, II. 15-16.

<sup>7</sup> Rishanger, p. 228; *Flores Historiarum*, III. 130; Hemingburgh (Eng. Hist.

exaggerated statements of the petition of Carlisle,<sup>9</sup> Haller<sup>10</sup> and Göller<sup>11</sup> have added casual mention of the levy in papal documents, which establishes its authenticity beyond doubt, but still leaves its history and real significance in obscurity. The present article takes its departure from the discovery, in the episcopal registers at Salisbury, of the letters of Clement V. ordaining this payment of annates<sup>12</sup> and from the reports<sup>13</sup> and other documents issued by the Soc. ed.), II. 242; Murimuth, p. 173; *Annales Londonienses*, pp. 146-147. These and an inference drawn from the statement of the canonist, Johannes Andrea (cited by Phillips, *Kirchenrecht*, V. 570, n. 12), are the sources used by earlier writers.

The editions of the chronicles cited are those of the Rolls series unless otherwise stated.

<sup>9</sup> *Rotuli Parliamentorum*, I. 219-223. This account of the proceedings at Carlisle has been utilized by Stubbs, *Constitutional History* (Oxford, 1896), II. 163, 612, III. 338-339; and Haller, pp. 382-388.

<sup>10</sup> Haller (pp. 52, 388) found indirect reference to this levy in a bull of Clement V. (*Regestum Clementis Papae V.*, 2266) and discovered in the Vatican Archives an account of one of the principal collectors of the tax. He places little emphasis on this account, however, and gives merely a statement of the sums collected at the date of the report.

<sup>11</sup> Göller (*Einnahmen*, pp. xiii, 86\*-87\*) considers it an important contribution to have confirmed the statements of English chroniclers by direct mention of this levy in a letter of John XXII. (Theiner, *Vetera Monumenta Hibernorum*, I. 196) and in the report of Rigaud Asser, papal collector in England from 1317 to 1321 (Vatican Archives, *Introitus et Exitus*, 15, f. 46v.), although Haller had published, some years before, his discovery of the above-mentioned report.

<sup>12</sup> There are two letters, one to the collectors and one to the English clergy. The two are practically identical *mutatis mutandis*. The first is printed below, pp. 62-64. The copies were found in the register of Simon of Ghent, bishop of Salisbury, and do not appear in the printed registers of Clement V. or in any other extant English episcopal registers with the possible exception of those of Lincoln and York. For the privilege of access to this register I am indebted to the late Bishop of Salisbury. I wish to express my thanks also to Reverend J. S. Johnston, secretary to the bishop, and especially to Mr. A. R. Malden, diocesan registrar, who accorded me every facility in my search and recently collated my copy with the original.

<sup>13</sup> Three reports made by William Testa, one of the collectors of annates. The first and third are deposited in the Vatican Archives (*Instrumenta Miscellanea*, Cap. VIII., no. 10a; Cap. IX., no. 54) and the second is a transcript in the Public Record Office (Roman Transcripts, General Series, 59) of an original in the Vatican Archives. The first report was rendered June 13, 1308. The second may be placed between June 24 and September 29, 1310. It is not dated, but it mentions payment of the first installment for the second year of the triennial tenth then being levied on the English clergy. This was due June 24, 1310 (P. R. O., L. T. R. Enrolled Accounts, Subsidies and Aids, 3, m. 1 v.), and fixes the report after that date. It is also stated that the payment of papal tribute from the king had now ceased for twenty years. At Michaelmas, 1313, the king was twenty-four years in arrears (Kirsch, *Die Finanzverwaltung des Kardinalkollegiums*, Munster i. W., 1895, p. 35, n. 1), and this report, therefore, must have been written before Michaelmas, 1310, when the king would have been in arrears for twenty-one years. The third report covers the period from October 1, 1311, to October 1, 1312. The report used by Haller was the first of these three. These will be cited respectively as the first, second, and third reports of Testa.

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collectors,<sup>14</sup> and seeks to consider the subject in the light of the fuller material now available.<sup>15</sup>

The immediate cause assigned by Clement V. for the imposition of annates was a deficit in the papal treasury which could not be met by the ordinary income.<sup>16</sup> At the close of the thirteenth century the income of the papacy was already insufficient for its needs, and the attenuated revenues from the Papal States threatened to be still further curtailed with the removal of the papal residence from Italy.<sup>17</sup> During the last years of the pontificate of Boniface VIII. the payment of taxes was badly in arrears, and the spoliation of the papal treasure at the time of the attack at Anagni in 1303 added to an existing financial stringency.<sup>18</sup> Benedict XI., though active in the attempt, was unable to restore the system to working order,<sup>19</sup> and the delay over the election of Clement V. increased the confusion.<sup>20</sup> At the beginning of his pontificate the new pope was forced to assume heavy debts to meet the expenses connected with the elaborate ceremonial of his consecration.<sup>21</sup> With a depleted treasury and a disorganized and inadequate fiscal system, Clement V. decided to expand the base of supplies.

The selection of annates for this purpose was not a radical departure. They formed a new source of revenue for the papacy,<sup>22</sup> but

<sup>14</sup> Letters from the collectors to English prelates concerned with the collection of annates. Salisbury Diocesan MSS., Register of Simon of Ghent, ff. 62v., 68v.-69v.

<sup>15</sup> The present paper is undertaken as part of a general study of the financial relations between England and the papacy during the thirteenth century and the early part of the fourteenth. I plan to edit Testa's reports as well as several others as a part of this study.

<sup>16</sup> Below, p. 63.

<sup>17</sup> Kirsch, "Comptes d'un Collecteur pontifical", *Archives de la Société d'Histoire du Canton de Fribourg*, VIII. 65-66 (1907); Eitel, *Der Kirchenstaat unter Klemens V.* (Berlin, 1907), p. 6.

<sup>18</sup> Grandjean, "Recherches sur l'Administration Financière du Pape Benoît XI.", *Mélanges d'Archéologie et d'Histoire*, III. 47-48 (1883).

<sup>19</sup> In England the papal collector, Gerard of Pecorara, met with much opposition, and after the death of Benedict XI. was expelled from the realm, having recovered only about £200. Roman Transcripts, General Series, 59. In the diocese of Basel there were a great number of benefices from which the collector of Benedict XI. secured nothing. Kirsch, *Die Päpstlichen Kollektorien*, pp. 4-32.

<sup>20</sup> In England, for example, no collector was present from December, 1304, to June, 1306.

<sup>21</sup> Below, p. 63.

<sup>22</sup> Haller, pp. 49, 51; Samaran and Mollat, p. 23. Kirsch (*Die Päpstlichen Annaten*, pp. xi, xv-xvi) advances the hypothesis that before 1306 the papacy had taken annates from single incumbents whom it had collated to benefices, if the customary collators, in whose place the papacy was acting, had the right to annates. He argues that papal letters bestowing benefices are found in the cameral registers of Urban IV. which would not be entered there unless payments to the camera were involved; and the payments are annates. As

similar charges had long been imposed locally on new incumbents of benefices by prelates and ecclesiastical corporations in various parts of Europe. Examples of the practice occur as early as the eleventh century,<sup>23</sup> and in the two following centuries it became common.<sup>24</sup> In England several cathedral chapters claimed by ancient custom the right to the income of the first year of any prebend falling vacant. At York, Exeter, and Lichfield the proceeds were used for the good of the deceased incumbent's soul.<sup>25</sup> At Salisbury and Wells only part was devoted to this object and the remainder went to the canons,<sup>26</sup> while at Chichester and Hereford the canons or the fabric received the whole sum.<sup>27</sup> The bishop of Norwich claimed a prescriptive right to annates from all benefices becoming vacant in his diocese, but his claim seems to have rested on a continuation without authority of a grant made by the pope to Pandulph,<sup>28</sup> which later popes confirmed.<sup>29</sup> The concession of annates to Pandulph for a limited term of years is one of the earliest known instances of such a privilege,<sup>30</sup> but during the thirteenth century such grants became increasingly common.<sup>31</sup> English prelates were frequent recipients of such favors,<sup>32</sup> and English kings likewise had a share. Henry III. and Edward I. both received grants of annates from the papacy, although that of the latter was revoked before it had been put into execution.<sup>33</sup> It was a natural progres-

Göller (*Einnahmen*, pp. 84\*-85\*) points out, however, many documents appear in the cameral registers of the thirteenth century which have no direct relation to the financial business of the camera, and the letters of provision, therefore, do not necessarily imply any payments.

<sup>23</sup> Göller, *Einnahmen*, p. 81\*.

<sup>24</sup> Kirsch, *Die Päpstlichen Annaten*, pp. xii-xiii; Haller, p. 50; Samaran and Mollat, p. 23.

<sup>25</sup> Wilkins, *Concilia*, I. 412, 597; *Registers of Walter Brouncombe* (ed. Hingeston-Randolph), p. 59.

<sup>26</sup> Hist. MSS. Comm., *Cal. of MSS. of Dean and Chapter of Wells*, p. 31; *Report III.*, App., p. 352.

<sup>27</sup> Wilkins, *Concilia*, I. 696; *Charters and Records of Hereford Cathedral* (ed. Capes), p. 47.

<sup>28</sup> Lambeth Palace MSS., Register of Archbishop Winchelsea, ff. 39-46. The archbishop disputed the bishop's claim, and this is an interesting account of the hearings before the papal commissioners.

<sup>29</sup> Dean and Chapter of Norwich MSS., *Registrum Secundum*, f. 43v.; Bliss, *Calendar of Entries in the Papal Registers*, II. 18.

<sup>30</sup> Pandulph was bishop of Norwich from 1222 to 1226. Haller (p. 50) mentions a grant made to the bishop of Toul in 1223 as the earliest known to him.

<sup>31</sup> Haller, pp. 50-51; Kirsch, *Die Päpstlichen Annaten*, p. xiii.

<sup>32</sup> Theiner, *Monumenta Hibernorum*, p. 42; Bliss, *Calendar*, I. 267, 367, 484; Matthew Paris, IV. 506-509; P. R. O., Close Roll, 41 Henry III., m. 6, schedule; *Registres d'Alexandre IV.*, 875; *Registres de Nicolas IV.*, 1258, 1337, 1856, 1862, 2025, 2155, 4525.

<sup>33</sup> Rymer, *Foedera*, I. 345; Bartholomew Cotton, pp. 261-271.

sion for the papacy finally to claim for itself that which it had granted so freely to others.<sup>34</sup>

The choice of the British Isles as a place in which to try this experiment was probably due to the favorable opportunity offered by the requests for favors which Edward I. made soon after the election of Clement V. in June, 1305.<sup>35</sup> As early as August 14, Otho de Grandison, one of Edward's most trusted diplomatic agents, appeared at the papal court, and remained there until March 13, 1306.<sup>36</sup> At the consecration in November the king was represented by a large delegation of notables,<sup>37</sup> who came bearing costly presents.<sup>38</sup> Otho was a member of this official delegation, as was also Bartholomew of Ferentino, who had worked successfully with Otho in negotiating a bargain with Boniface VIII.<sup>39</sup> similar to that now concluded with Clement V. The embassy was authorized to treat concerning a crusade, peace with France, and "other things touching the salvation of the king's soul". The results of these negotiations flowed in rapid succession. By a bull dated December 29 Edward was released from his irksome oath to observe the forest charters. On February 12 Archbishop Winchelsea, who had incurred Edward's enmity, was suspended from office,<sup>40</sup> and about the same time the pope ordered the English clergy to pay to Edward a tenth of its income for two years ostensibly for the purpose of a crusade.<sup>41</sup> Not long after, the question of peace with France was handled by the cardinal legate Peter of Spain.<sup>42</sup> Annates were

<sup>34</sup> The papal tenths went through a similar course of development, having first been granted by papal authority for crusading purposes.

<sup>35</sup> English chroniclers suggest that the frequency of the demands of English prelates for grants of annates led Clement V. to appropriate the tax for himself in the British Isles (Rishanger, p. 228; *Flores Historiarum*, III. 130), but under the three immediate predecessors of Clement V. English prelates had been no more frequent recipients of such favors than the prelates of other countries. *Registres de Nicolas IV.*, *Boniface VIII.*, and *Benoit XI.*, *passim*.

<sup>36</sup> P. R. O., Exch. K. R. Accounts, 369-11, f. 34v. Cf. Kingsford, "Sir Otho de Grandison", *Trans. Royal Hist. Soc.*, third series, III. 156-158 (1909).

<sup>37</sup> *Cal. Pat. Rolls*, 1301-1307, p. 387. In addition to these ambassadors, several messengers went back and forth from England to the papal court between June, 1305, and February, 1306. British Museum, Harleian MSS. 152, ff. 5, 15, 18v.

<sup>38</sup> P. R. O., Exch. K. R. Accounts, 367-6, m. 1; Rishanger, p. 227.

<sup>39</sup> Prynne, *Exact Chronological Vindication*, III. 898, 912, 989; Rymer, *Foedera*, I. 928-931.

<sup>40</sup> Tout, *Political History of England*, 1216-1377, pp. 229-230.

<sup>41</sup> I have not been able to find a copy of this bull, although it had been issued before April 21, 1306. *Memorials of Beverley Minster*, Surtees Soc., I. 133-134. The scarcity, or perhaps lack, of any copies of this bull is probably explained by a bull of August 1, 1306 (Rymer, *Foedera*, I. 991-992), which apparently superseded the earlier bull at the king's request (Hist. MSS. Comm., *Report IV.*, App., p. 394, no. 1051).

<sup>42</sup> Hemingburgh, II. 252-253; *Cal. Pat. Rolls*, 1301-1307, p. 520.

imposed by a bull dated February 1.<sup>43</sup> It is a plausible supposition, therefore, that Edward I. allowed Clement V. to try his experiment in the British Isles in return for favors received;<sup>44</sup> an hypothesis which is strengthened by Edward's attitude subsequent to the parliament of Carlisle.

The new tax was naturally unpopular and immediately aroused opposition. The announcement of its imposition was officially published in England on June 6, 1306.<sup>45</sup> In less than three months the pope complained to the king that his agents had been prevented from collecting the annates due from the priory of Merton,<sup>46</sup> and, while this may have been an isolated example of open defiance, it was without doubt indicative of a general feeling of hostility which found expression in the early part of 1307 at the parliament of Carlisle. Here the laymen, fearful of encroachment on their rights of advowson,<sup>47</sup> joined with the clergy both in a petition to the king asking for protection for the national church against annates and other papal exactions, and in a protest to the pope himself. The spirit of the discussion may be gathered from a letter addressed to the English clergy purporting to be written by "Peter, son of Casiodorus, catholic knight and devout champion of Christ", which, fallen from heaven, according to the monk Hemingburgh, was read in full parliament.<sup>48</sup> Composed presumably by an English clerk, it laments the evil days upon which the English church has fallen, and urges king and magnates to furnish protection by resisting the demands of Clement V., who is unjustly imposing too great a burden of taxation, not for the needs of the church, but for his own personal ends. The petition, more dignified in tone but none the less

<sup>43</sup> Below, pp. 62-64.

<sup>44</sup> Edward made other concessions also. He promised payment of £10,000 due the pope for the arrears of the annual tribute (Rymer, *Foedera*, II. 98), and he permitted papal nuncios to assume the care of the temporal, as well as the spiritual, property of the archbishopric of Canterbury during the period of Winchester's suspension (*Cal. Pat. Rolls*, 1301-1307, pp. 512-514; Madox, *Exchequer*, II. 224).

<sup>45</sup> According to the *Annales Londonienses* (p. 147) the bulls imposing annates were formally published by the collectors in London at the church of St. Mary of the Arches on June 6. The letters of the collectors to the Bishop of Salisbury, however, are dated June 9. Register of Simon of Ghent, f. 62v. Similar letters were received at Winchester, June 12 (Winchester Diocesan MSS., Register of Woodlock, f. 42v.) and at Beverley, June 25 (*Memorials of Beverley*, I. 142).

<sup>46</sup> Pope to king, August 27. Rymer, *Foedera*, I. 997. The collectors had been notified of this vacancy by a letter dated June 28. Register of Woodlock, f. 42v.

<sup>47</sup> *Rot. Parl.*, I. 219-220.

<sup>48</sup> Hemingburgh, II. 254-259. Summaries of the letter are given by Haller, pp. 383-384, and Capes, *The English Church in the Fourteenth and Fifteenth Centuries* (London, 1900), p. 41.



firm, recites in detail the grievances of the community.<sup>49</sup> Several of them were old;<sup>50</sup> the innovations of Clement V. which were the immediate occasion of the present outburst were the increase in the number of papal collectors paid by procurations assessed on the English clergy, the attempt to collect Peter's pence directly from the payers,<sup>51</sup> and annates.<sup>52</sup> For these oppressions the petition sought remedy against William Testa, the principal papal collector in England, and his agents.

The action on the petition was prompt and vigorous. Testa was summoned to appear before full parliament and state his case. His plea that he did these things on the authority of the pope was not considered sufficient justification for acts deemed prejudicial to the crown and realm of England and subversive of English law and custom. Parliament ordained, therefore, that the exactions enumerated should cease, and that the money assembled by Testa and his agents should be kept safely within the realm until the king and his council should arrange otherwise. Royal writs, dated March 22, ordered sheriffs and bailiffs to ascertain by means of juries the names of Testa's agents who had committed any of these injuries, and to cite them to appear before the king to answer for their offenses.<sup>53</sup>

<sup>49</sup> *Rot. Parl.*, I. 219-221.

<sup>50</sup> These were the papal claim to legacies ambiguously stated and to the goods of intestates, taxation of the temporalities of the clergy, the use for other objects of gifts and legacies in aid of the Holy Land, and provisions. All of them had been previous subjects of complaint. Matthew Paris, V. 553; Wilkins, *Concilia*, II. 19; *Episcopal Registers, Diocese of Worcester* (ed. Bund), p. 490.

<sup>51</sup> Previously collected by English prelates who paid to the papal collectors fixed sums and kept for themselves the excess. See Lunt, "Financial System of the Mediaeval Papacy", *Quarterly Journal of Economics*, XXIII. 279 (1909). The change would have affected laymen as well as clergy, since many landlords collected Peter's pence from their tenants and retained a portion of the proceeds for themselves. Lambeth Palace MSS., Register of Archbishop Reynolds, f. 239; Fosbroke, *Berkeley Manuscripts* (London, 1821), p. 53; Neilson, "Customary Rents", *Oxford Studies in Social and Legal History*, II. 199 (1910).

<sup>52</sup> Lay patrons feared that annates would encroach upon their rights of advowson and perhaps abolish them entirely. *Rot. Parl.*, I. 220. When the Archbishop of Canterbury had been granted annates by the pope, Henry III. had forbidden their collection from benefices in lay patronage. Prynne, *Exact Chronological Vindication*, II. 718. In the present levy, however, benefices in lay patronage paid annates; several of the vacant benefices reported by the Bishop of Salisbury (Register of Simon of Ghent, f. 69v.) being in lay presentation (Hutchins, *History and Antiquities of the County of Dorset*, London, 1774, *passim*). The same practice also obtained under John XXII. *Register of Richard Newport*, Canterbury and York Soc., p. 185; Vatican Archives, *Introitus et Exitus*, 15, f. 18v. There was apparently some justification for these fears, since under later popes benefices in lay patronage were exempt from annates. Samaran and Mollat, p. 33.

<sup>53</sup> *Rot. Parl.*, I. 221-222. Accounts of the proceedings are given also by Trivettus (*Eng. Hist. Soc.*), pp. 411-412; Hemingburgh, II. 262-264. For second-

These sweeping reforms were not long allowed to stand intact. Edward was probably under too great obligation to the pope to allow the prohibition of annates. At the request of the papal legate the writs of March 22 were held back, and on April 4 new writs were issued which modified the decrees of the parliament of Carlisle.<sup>54</sup> The collectors were allowed to proceed with their business, provided they acted in the same manner as their predecessors and attempted nothing prejudicial to the crown. If Edward's concessions had stopped here, the further collection of annates would have been prevented, since this had not been among the functions of any previous collector, but another writ especially authorized the continuance of this exaction, provided void abbacies and priories were not troubled. This settlement, however, failed to end the difficulty. The provisions of the writs offered fertile soil for a crop of conflicting interpretations concerning their intent, and the collectors, who were naturally broad constructionists, soon experienced hindrances from the narrow construction placed upon the grants by the royal officials. Finally Testa and his colleague brought their case before the king's council. There it was decided, in accordance with the views of the narrow constructionists, that the writ of April 4 gave no power to proceed with the collection of any of the exactions complained of at the parliament of Carlisle, with the exception of annates, since all those exactions were prejudicial to crown and realm; and, furthermore, that it was prejudicial to the crown to demand annates from benefices in the royal patronage. A royal writ, issued June 27, ordered the collectors to observe this decision pending further deliberation.<sup>55</sup>

The definitive settlement, presaged in the writ of June 27, was any accounts see Stubbs, *Historical Introductions*, pp. 495-496; Haller, pp. 386-387; Ramsay, *Dawn of the Constitution*, pp. 516-517.

<sup>54</sup> *Rot. Parl.*, I. 222; *Cal. Pat. Rolls*, 1301-1307, p. 514.

<sup>55</sup> *Rot. Parl.*, I. 222-223. Stubbs on the basis of this same evidence makes the sweeping statement: "These saving words [*i. e.*, the provisos] explained away all that the writs [those of April 4] seemed to have granted, and a peremptory prohibition against their [the collectors'] further proceedings was issued on the 27th of June" (*Historical Introductions*, p. 496). The words, however, did not explain away annates, nor did the prohibition stop their collection. Furthermore, Edward obviously had not intended by the writs of April 4 to release the collectors from the major portion of the restrictions placed upon them at the parliament of Carlisle, since he allowed them to proceed only so far as they acted in the same manner as their predecessors. No collector had succeeded in securing indistinct legacies and goods of intestates, though it had been previously tried, and the collection of Peter's pence directly from the payers had not before been attempted. Thus two of the most important prohibitions of the parliament of Carlisle were maintained. Because the parliament of Carlisle did not permanently stop annates and provisions, the importance of its work seems to have been generally underestimated.

prevented by the death of Edward I., and his son allowed the matter to drift. In answer to inquiries from the pope<sup>56</sup> Edward II. professed himself ready to abide by the decision of his father as expressed in the writs of April 4.<sup>57</sup> The ambiguity of the provisos, however, was not entirely removed. In 1308 Clement V. complained of hindrances placed in the way of the papal collectors by royal servants,<sup>58</sup> but Edward denied any infringement of the grant of privileges.<sup>59</sup> A year later the pope protested vigorously against the action of the sheriff of York, who imprisoned William de Prat, collector of annates in the province of York, and released him only on the payment of a fine of ten pounds imposed for failure to observe a prohibition placed upon him by the royal officials.<sup>60</sup> Despite these misunderstandings, however, the collection of annates appears to have progressed during the reign of Edward II. without serious impediment. Annates were still a subject of complaint at the parliament of Stamford held in the summer of 1309,<sup>61</sup> and the reports of Testa display the work going on with no great irregularity. So far as annates were concerned popular opposition accomplished little.

The administration of this first levy of annates was carried on by a staff of nuncios larger than that usually employed to collect papal taxes in the British Isles.<sup>62</sup> The two principal collectors were the papal chaplains, William Testa, archdeacon of Aran in the diocese of Comminges,<sup>63</sup> and William Géraud de Sore, canon of Rouen.<sup>64</sup> The latter, however, seems to have left the direction of

<sup>56</sup> Rymer, *Foedera*, II. 10.

<sup>57</sup> King to pope, December 26, 1307. *Ibid.*, p. 25.

<sup>58</sup> Pope to king, April 9, 1308. *Ibid.*, pp. 41-42.

<sup>59</sup> King to pope, July 23, 1308. *Ibid.*, p. 53.

<sup>60</sup> Pope to bishop of Worcester, October 28, 1309. *Ibid.*, pp. 97-98. This case Edward promised to investigate as soon as the unsettled state of the realm would allow. King to pope, April 1, 1310. *Ibid.*, p. 105.

<sup>61</sup> *Annales Londonienses*, pp. 162-165.

<sup>62</sup> The barons complained at Carlisle that the pope was keeping four nuncios in England at the expense of the clergy, when customarily he kept but one. *Rot. Parl.*, I. 220.

<sup>63</sup> Testa remained in England eight years, leaving in 1313 (Rymer, *Foedera*, II. 216) to assume the cardinalate to which he had been promoted in 1312. In 1323 he became *camerarius* of the cardinal-college. He died in 1326. Kirsch, *Finanzverwaltung*, p. 45. He appears to have made many acquaintances during his stay in England. After he became cardinal he had a pension from the king and held several English benefices, and many others were provided at his request. Both king and clergy went to him frequently, when they had business at the Roman court. Bliss, *Calendar*, II. 59, 123, 155, 169; Stapleton, "Summary of Wardrobe Accounts", *Archaeologia*, XXVI. 324; *Cal. Pat. Rolls*, 1317-1321, p. 68; Hist. MSS. Comm., *Cal. MSS. Dean and Chapter of Wells*, p. 211.

<sup>64</sup> Géraud was known to Edward I., having acted as proctor for the king at the royal court of France in 1289. *Rôles Gascons*, vol. II., nos. 998, 1066.

the work almost entirely to Testa,<sup>65</sup> who was also in charge of the collection of the other papal revenues in the British Isles.<sup>66</sup> Other nuncios who assisted were Garsie Arnaud de Garlens, canon of Auch, and Peter Amauvin, canon of Bordeaux.<sup>67</sup> Testa himself took direct charge of the province of Canterbury, while William de Prat, canon of Comminges, John de Delsoler,<sup>68</sup> and John de Lescacon, canon of Nantes,<sup>69</sup> all ranking as nuncios, acted as his commissioners for the province of York, Scotland, and Ireland, respectively.<sup>70</sup> In England there was a small corps of deputy-collectors which the bull of instructions empowered the principal collectors to appoint.<sup>71</sup> The collectors were armed with full powers to enforce payment and to compel delinquents and opponents with ecclesiastical censures.<sup>72</sup>

Although the bull imposing annates was issued February 1, 1306, the work of collection was not begun until the early summer. Testa was in England as nuncio in the autumn of 1305,<sup>73</sup> but his letters of credence as collector are dated March 23, 1306,<sup>74</sup> and the formal announcement of the levy of annates was not made public till June 6.<sup>75</sup> The papal bulls then published<sup>76</sup> informed the English clergy that during a period of three years, dating from February 1, 1306, benefices and ecclesiastical offices in monasteries, priories, and

<sup>65</sup> Reports of Testa.

<sup>66</sup> Appointed by letters dated March 23, 1306. Register of Simon of Ghent, f. 59.

<sup>67</sup> Peter Amauvin seems to have superseded William Géraud. Rymer, *Foedera*, II. 1014; *Regestum Clementis Papae V.*, 2372. Garsie Arnaud was apparently concerned chiefly with the transportation of money from England to the papal camera. Bliss, *Calendar*, II. 48, 58, 77; Third Report of Testa.

<sup>68</sup> "De Solerio", under John XXII. a collector of annates in Portugal. Schäfer, *Die Ausgaben der Apostolischen Kammer unter Johann XXII.* (Paderborn, 1911), pp. 410, 420.

<sup>69</sup> A cameral clerk under John XXII. Schäfer, *Ausgaben*, p. 884; Göller, *Einnahmen*, pp. 322, 327, 330, 337; Vatican Archives, *Introitus et Exitus*, 58, f. 136.

<sup>70</sup> Reports of Testa.

<sup>71</sup> The only deputy-collector of whom I have found mention was Robert de Patrica, rector of Farndon in the diocese of Winchester. His collectorate included the dioceses of Winchester and Salisbury. Register of Simon of Ghent, f. 68v.; Hist. MSS. Comm., *Report IV.*, App., pp. 382-383. Since four or more deputy-collectors were customarily appointed in the same district for the purpose of collecting a papal tenth, the staff of sub-collectors for annates was evidently small.

<sup>72</sup> Below, p. 64.

<sup>73</sup> He was one of the nuncios sent by Clement V. to invite Edward or his son to be present at the consecration. The invitation was dated August 25 and Edward's answer October 4, 1305. Prynne, *Exact Chronological Vindication*, III. 1069-1072.

<sup>74</sup> P. R. O., Papal Bulls, 44-18.

<sup>75</sup> Above, p. 53.

<sup>76</sup> Below, pp. 62-64.

churches falling vacant, were to pay the first-fruits to the papal collectors or their representatives. The rights of others to annates acquired by prescription or by papal privilege were suspended during this period, although the subsequent restoration of such rights to the possessors was guaranteed. It was not intended, furthermore, to demand so much for annates as to interfere with the proper celebration of divine offices or the cure of souls attached to any benefice.<sup>77</sup> The only exemption from payment of the tax stated in the bull was the mensal income of an archbishop, bishop, or regular abbot. In actual practice, however, further exceptions were made. The action of the king after the parliament of Carlisle caused priories and abbacies to be held immune.<sup>78</sup> The canons of Beverley expected that the income of an office regularly used for daily distributions to the canons would be free from payment,<sup>79</sup> and, although it does not appear what view the collectors took, it is significant that in future levies such was the case.<sup>80</sup>

The first step taken by the collectors was to establish the location and value of the vacant benefices. This work was done largely by the bishops, who were ordered to certify to the collectors the value of all benefices in their dioceses vacant between the date of the bulls and the receipt of copies of the same, and thereafter to make regular monthly reports.<sup>81</sup> The value assigned to benefices by the

<sup>77</sup> This provision is often found in the earlier use of annates by prelates and foundations. Constitution *Suscepti regiminis*, Friedberg, *Corpus* (ed. Richter), col. 1205; *Charters and Records of Hereford Cathedral*, p. 47; Wilkins, *Concilia*, I. 597.

<sup>78</sup> Above, p. 55; Hemingburgh, II. 242. According to the chronicler of St. Albans the abbot confirmed in 1309 paid first-fruits (*Gesta Abbatum*, II. 114), but the payment actually was *servitia* (Vatican Archives, Oblig., 1, f. 42v.). Abbacies and priories, and bishoprics and archbishoprics as well, had been exempt in the levy granted to Henry III. Gottlob, *Die Servitientaxe im 13. Jahrhundert* (Stuttgart, 1903), p. 90. What was done with regard to bishoprics and archbishoprics in the present levy is not entirely clear. Some chroniclers assert that they paid annates. Rishanger, p. 228; *Flores Historiarum*, III. 130. Haller (p. 382, n. 1) considers these statements incorrect. At least one bishop appointed during this period paid *servitia* (Vatican Archives, Oblig., 1, f. 41), and it is not probable that both payments were demanded. In later levies episcopal incomes were excluded. Theiner, *Vetera Monumenta Historica Hungariam sacram illustrantia*, I. 447. Neither is it clear whether the decision of the council, that benefices in royal patronage should be exempt, was observed. It is perhaps significant that Edward II. in his correspondence with the pope on the subject insisted on the exemption of abbacies and priories, but said nothing about benefices in the royal patronage.

<sup>79</sup> *Memorials of Beverley*, I. 142-143.

<sup>80</sup> Samaran and Mollat, p. 29.

<sup>81</sup> Register of Simon of Ghent, f. 62v.; Register of Woodlock, f. 42v.; *Memorials of Beverley*, I. 142. The same practice was followed in the levy imposed by John XXII. in 1316. Salisbury Diocesan MSS., Register of Mortival, II. f. 78.

bishops was the same as that given in the valuation made for the assessment of the crusading tenth imposed by Nicholas IV. in 1291. The directions of the collectors concerning these items are not always as definite as might be desired. Once they demanded the *communem valorem*. At another time they wanted certification *de valore seu exstimatione* and again *de vero valore*.<sup>82</sup> But in the returns to all three demands the value attached to a benefice was always that fixed in the valuation of 1291.<sup>83</sup> If a benefice was not there assessed, it was reported "value unknown" or "not taxed". Since the collectors allowed this practice to continue unchanged, it is without doubt the valuation they desired and the basis on which annates were paid.<sup>84</sup> Clement V., therefore, did not take the whole first year's income of a vacant benefice, as is commonly asserted,<sup>85</sup> since the valuation for the tenth was below the real value,<sup>86</sup> and the difference between the assessed and actual value was commonly reputed

<sup>82</sup> Register of Simon of Ghent, ff. 62v., 68v., 69.

<sup>83</sup> In his first report the Bishop of Winchester states that he is returning the valuation found in the taxation rolls. Register of Woodlock, f. 48v. A comparison of the returns made by the bishops of Salisbury and Winchester (Register of Simon of Ghent, ff. 64v., 68v.-70v.; Register of Woodlock, ff. 42v., 48v., 56v., 60, 66, 69, 74v., 82v., 94, 97v., 101v.-102v.) with the valuation of 1291 (published by the Record Commission) shows that this was true of all the returns.

<sup>84</sup> This is still further substantiated by the statement of Testa in his second report: "De beneficiis vero non arrendatis certificare non possum ad quantum ascenderit, quia pro maiori parte sunt ita exilia quod etiam ad decimam non taxantur, sed de illis et de aliis, quicquid bono modo poterimus, faciemus." A comparison of the value of the benefices reported by the Bishop of Winchester with the sum actually demanded from those benefices by the collector leads to the same conclusion. In June, 1308, Testa reported the sum of annates due from the diocese of Winchester at 642 marks (First Report). In September, 1308, the value of the benefices returned by the Bishop of Winchester up to that time was 681 marks (compiled from the Register of Woodlock, ff. 101v.-102v.). The two sums are not identical because the reports cover slightly different periods, and because the value of four benefices returned by the bishop is not stated. But, if the whole of the first year's income had been taken, the sum reported by Testa would have been far in excess of the valuation given by the Bishop of Winchester.

This conclusion directly controverts the assertion made in the petition of Carlisle that the pope takes the whole income of a benefice during the first year after vacancy, and leaves nothing for the sustenance of the incumbent. *Rot. Parl.*, I. 220. As a statement of grievances prepared before the first hot anger of the opposition had cooled, the petition might be expected to contain some exaggeration, and, balanced against the declaration of intention in the bull of instructions to the papal collectors not to levy annates in such a way as to deprive benefices of their accustomed services, and against the above evidence of the actual practice of assessment, it has little weight.

<sup>85</sup> "L'usage de lever l'annate d'après le montant de la taxe de la décime remonte au concile de Vienne." Samaran and Mollat, p. 29. Göller (*Einnahmen*, pp. 81\*-82\*) asserts that Clement V. took the full income of the first year.

<sup>86</sup> Concerning the valuation of 1291 see Graham, "The Taxation of Pope Nicholas IV.", *Eng. Hist. Rev.*, XXIII. 443-446 (1908).



sufficient to maintain the services of the benefice.<sup>87</sup> If a benefice was not included in the valuation of 1291, it was assessed by the collectors,<sup>88</sup> and in some cases benefices which had deteriorated in value during the intervening period appear to have been re-assessed.<sup>89</sup>

Once the situation and value of the vacant benefices had been established, the remaining task of the collectors was to assemble the money from the debtors and forward it to the papal camera. In Scotland and Ireland payment was backward as was usual in the case of papal taxes, but in England the money came in steadily, notwithstanding the difficulties experienced by the collectors.<sup>90</sup> The figures for the province of York are somewhat fragmentary, but in the province of Canterbury eight months before the levy ceased £6,322 2 s. 2 d. had been collected and £4,688 17 s. remained unpaid,<sup>91</sup> while four years later the sum in arrears stood at £1,262 5 s. 6 d.<sup>92</sup> Testa was an efficient and successful administrator of the papal financial business in England, and before his departure in 1313 this sum had probably been further reduced, although some debts were left for his successors to recover.<sup>93</sup> The proceeds were transmitted at frequent intervals to the papal camera, usually by special messen-

<sup>87</sup> Constitution *Suscepti regiminis*, Friedberg, *Corpus*, col. 1205. This is brought out also in the deliberations of the council of Vienne. Göller, *Einnahmen*, p. 81\*, n. 7.

<sup>88</sup> Second Report of Testa. What the practice was in such cases I have not discovered. In later levies the collector took one-half the actual income of an untaxed benefice and left the other half to the incumbent. Bliss, *Calendar*, II. 422.

<sup>89</sup> Register of Woodlock, ff. 101v.-102v. This custom was followed in later levies. Kirsch, *Die Päpstlichen Kollektorien*, pp. 37, 49, 131.

<sup>90</sup> Reports of Testa.

<sup>91</sup> First Report of Testa. This is the only one of the three reports which gives a detailed view of the progress of collection. The following table gives a summary of the statement for the province of Canterbury, only the totals being given for the other collectorates. The mark equals two-thirds of a pound. The totals do not correspond exactly to those of Testa given above, but accuracy rarely occurs in medieval accounts.

Diocese	Paid			Unpaid	Diocese	Paid			Unpaid
	Marks	s.	d.			Marks	s.	d.	
Canterbury	482	5	4	281 7 10	St. Davids	287	6	8	{ 300 5 4
Rochester	391	10	0	172 4 4	St. Asaph				{ 210 6 8
London	521	8	4	412 5 0	Bangor				{ 211 0 4
Chichester	294	1	4	208 6 8	Llandaff	71	0	0	97 0 0
Winchester	250	3	4	392 5 10	Worcester	553	14	8	271 10 0
Salisbury	585	6	8	535 6 8	Lichfield	277	0	0	349 0 0
Exeter	492	4	10	303 6 0	Ely	76	6	8	160 0 0
Bath and Wells	110	9	4	336 12 4	Norwich	1580	6	8	921 3 4
Hereford	385	15	4	163 6 8	Lincoln	3121	10	0	1705 10 0
					Total	9480	9	2	7030 17 0

<sup>92</sup> Third Report of Testa.

<sup>93</sup> His immediate successor, William de Baletto, was active in this direction (Register of Reynolds, f. 84), but I have found nothing to indicate how much he recovered. Rigaud Asser, collector from 1317 to 1321, records the receipt of £80 6 s. 8 d. from this source. Vatican Archives, Introitus et Exitus, 15, f. 46v.



gers,<sup>94</sup> occasionally by means of exchange through the Italian bankers, who handled the papal financial business.<sup>95</sup> The total yield of the levy can be determined only approximately. The receipts issued to the collectors by the papal camera are not itemized in such a way as to distinguish between payments of annates and other taxes,<sup>96</sup> and the two reports of Testa rendered after the expiration of the triennial period do not contain complete statements. The figures given in the report covering the period to June 13, 1308, however, offer a good basis for estimating the amount. The proceeds in the province of Canterbury up to that time were £11,010 19 s. 2 d. The monthly average, therefore, was £386 7 s. If it be assumed that the average remained the same for the last seven and one-half months as for the preceding period, the yield for the whole three years would be £13,908 12 s. In the province of York the amount paid at the same date was £2,227, but the extent of the unpaid debts is not indicated. Assuming that the sum paid bore the same ratio to the whole amount produced in both provinces up to June, 1308, the latter in the province of York would be £3,903. The monthly average would be £136 18 s. 11 d. and the income for the three years £4,930 1 s. Thus, estimated on this basis, the total sum produced was £18,838 13 s.<sup>97</sup> This result is probably not far from correct, since the yield for another period of three years beginning September 8, 1316, was £16,351 2 s. 8½ d.<sup>98</sup>

After a detailed study of the first levy of annates, the aspect which stands out most clearly is its importance as a precedent. Although recent scholars recognize Clement V. as the originator of annates, John XXII. is usually regarded as the organizer of the permanent system of administration.<sup>99</sup> In the light of the present evidence this

<sup>94</sup> Third Report of Testa; Bliss, *Calendar*, II. 31, 48; *Regestum Clementis Papae V.*, 3583.

<sup>95</sup> Bliss, *Calendar*, II. 77.

<sup>96</sup> Haller (p. 388, n. 1) places the sum produced by annates up to December 25, 1309, at over 70,000 florins (i. e., 14,000 marks). He bases his statement on one of these receipts (*Regestum Clementis Papae V.*, 6285), but the receipt covers the produce of several taxes besides annates.

<sup>97</sup> This is the gross sum. The net sum cannot be estimated, because the expenses of collection are not stated in some reports, and when given are not separated from the expenses incurred in the collection of other taxes. The expenses were, however, probably small. During the year from October 1, 1311, to October 1, 1312, the total receipts from all sources were £3,761 8 s. 4¾ d. and the expenses £309 15 s. 7 d. Third Report of Testa. Since annates could be collected more cheaply than some taxes, the expenses were probably less than ten per cent.

<sup>98</sup> Compiled from Rigaud Asser's report, Vatican Archives, *Introitus et Exitus*, 15, ff. 1-41.

<sup>99</sup> "Jean XXII. régla définitivement par la bulle *Si gratanter advertitis* le mode de perception de l'annate, et ses successeurs se gardèrent bien d'y apporter

view must be discarded. The bulls of John XXII. dealing with annates take much of their form and content from the bull of Clement V. here printed, often repeating portions in the same language.<sup>100</sup> In subsequent levies there are the same provisions for guaranteeing the restoration of the suspended rights of the customary holders of annates and for preserving the services of benefices subject to the tax. The number of exemptions increases, and some exemptions are more carefully defined, but those granted by Clement V., with the exception of priories, become customary.<sup>101</sup> The plan of assessment is somewhat amplified: the collector may take for annates the assessed value of the benefice or the remainder of the actual income accruing during the first year after vacancy, and when a benefice is not assessed for the tenth, the collector and the incumbent share the actual proceeds. The basis of the assessment, however, remains unchanged.<sup>102</sup> The methods of administration remain the same even in such details as the mode of gathering the preliminary information from the local bishops<sup>103</sup> and the close supervision of the work of the collectors by the papal camera.<sup>104</sup> Several of the regulations and exemptions naturally receive a more exact and extended application during the pontificate of John XXII., but it is now plain that in all essential respects John XXII. followed the precedents established in the first levy of annates by Clement V.

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*Register of Simon of Ghent, bishop of Salisbury, f. 62v.*

Clemens, episcopus, servus servorum Dei, dilectis filiis, magistris Guillelmo, archidiacono de Aranno in ecclesia Convenarum, et Guillelmo Geraldi de Sora, canonico Rotomagensi, capellanis nostris, collectoribus aucun changement." Samaran and Mollat, p. 29. "Die grosse Reservation vom 8. Dezember 1316, die die Grundlage für die ganze spätere Annatenentwicklung bildet." Göller, *Einnahmen*, p. 87\*.

<sup>100</sup> Compare the bulls *Si gratanter advertitis* (Theiner, *Vetera Monumenta Historica Hungariam sacram illustrantia*, I. 446-448) and *Quantis haereticorum* (Kirsch, *Die Päpstlichen Kollektorien*, pp. 119-122) with the bull below.

<sup>101</sup> For a detailed account of exemptions allowed in later levies see Samaran and Mollat, pp. 29-33. Priories were not generally exempt in subsequent levies, but in England Edward II. demanded (*Cal. Close Rolls*, 1318-1323, p. 26) and seems to have secured their exemption. No priories are included in the list of benefices paying annates reported by Rigaud Asser (1316-1319). Vatican Archives, *Introitus et Exitus*, 15, ff. 1-41.

<sup>102</sup> Concerning the method of assessment used in later levies see Samaran and Mollat, pp. 28-29.

<sup>103</sup> Register of Mortival, vol. II., f. 68.

<sup>104</sup> The collectors of the first levy made frequent detailed reports to the camera and kept in constant communication with it through messengers (Reports of Testa) as did the collectors of later levies (Kirsch, *Die Päpstlichen Kollektorien*, *passim*). The camera often gave directions to the collectors also. Register of Simon of Ghent, ff. 68v.-69.

fructuum reddituum et proventuum ecclesiasticorum primi anni omnium beneficiorum ad presens in Anglie et Scotie regnis Hibernie et Wallie provinciis earumque civitatibus et diocesibus vacantium, et que usque ad triennium vacare contigerit, per sedem apostolicam deputatis, salutem et apostolicam benedictionem.

Si sacrosancta Romana mater ecclesia, quam divina clemencia [f. 63] cunctarum orbis ecclesiarum capud statuit, et habere voluit principatum, gerens ad filios materne compassionis affectum, illorum efficiatur angustis eis communicet indefessa pressuris in necessitatibus que per oportune subventionis remedium laxet manum, modis exquirendo sollicitè quibus eis grate fecunditatis commoda subministret, decet eos, nisi per ingratitude vitium in oblivionem materni uberis prolabantur, sibi multa reverentia filialiter obsequi de ipsius oportunitate studiose curare obviare dispendiis, et, ne defectus rerum temporalium eius decorem quod absit obnubilet, prompta etiam magnanimitate consurgere abolere incomoda, et sibi necessitate urgente articulo necessaria ministrare. Sic quippe benedictionis materne promerentur gratiam et laudis titulos apud homines ac celestis vite premium assequuntur. Sane sic ipsa Romana mater ecclesia, que tunc temporis malitia faciente dudum a non longe retroactis temporibus multis fuit amaritudinibus lacessita et quassata turbinibus tum propter hoc tum propter alia, que longum esset enarrare per singula, tam gravia atque grandia subivit onera expensarum, tum etiam quia tempore recolende memorie Bonifacii pape octavi, predecessoris nostri, non ulli [sic] perditionis filii thesaurum ecclesie eiusdem, sicut vos latere non credimus, rapuerunt, est exausta ere, tum pro eo etiam quod nobis, postquam fuimus ad apicem summi apostolatus divina dispositione vocati, precipue in hoc nostre creationis primordio immunerunt et imminet expensaria maiora solito facienda, quod ipsa implorare compellitur subsidiorum [sic] filiorum, et, quod referre pudet et admiratione non caret, mercatores, qui se eiusdem ecclesie servicio offerebant, sibi instantis necessitatis tempore defecerunt.

Quare nos, predictis omnibus in considerationem adductis et ad subveniendum nobis et prefate ecclesie viis et modis salubribus diligentius exquisitis, fructus redditus et proventus primi anni omnium et singulorum beneficiorum ecclesiasticorum cum cura et sine cura, etiam personatum et dignitatum quarumlibet ecclesiarum monasteriorum prioratum et aliorum locorum ecclesiasticorum tam secularium quam regularium exemptorum et non exemptorum, que in Anglie et Scotie regnis et Hybernæ et Wallie provinciis sive partibus eorum civitatibus et diocesibus vacant ad presens, et que usque ad triennium vacare contigerit, fructibus ad archiepiscopales et episcopales et abbatum regularium mensas spectantibus dumtaxat exceptis, non obstante quod fructus redditus et proventus huius primi anni ex privilegio sedis apostolice vel alias de iure seu quacumque consuetudine seu statuto alicui vel aliquibus deberentur, vel in usus forent aliquos convertendi pro ipsius ecclesie oneribus facilius celebrandis, in eius agendorum subsidium auctoritate apostolica per alias nostras certi tenoris litteras duximus deputandos, volentes quod per deputationem huiusmodi hiis qui fructus redditus et proventus primi anni predicti debebantur quo ad assecutionem fructuum anni sequentis nullum preiudicium generetur, quodque beneficia ipsa debitis non fraudenter obsequiis et animarum cura in eis quibus iminet nullatenus negligatur. Ac nihilominus venerabiles fratres nostros, archiepiscopos et episcopos, ac dilectos filios electos, abbates, priores,

decanos, prepositos, archidiaconos, plebanos, archipresbiteros et alios ecclesiarum et monasteriorum aliorumque locorum ecclesiasticorum<sup>106</sup> prelatos et rectores, eorumque capitula collegia et conventus exemptos et non exemptos Cisterciensis, Cluniacensis, Sancti Benedicti, Sancti Augustini, Grandimontensis, Premonstratensis, Cartisiensis, aliorumque ordinum, nec non hospitalis Sancti Johannis Jherosolimi, Militie Templi et Sancte Marie Theotonicorum preceptores et magistros eorumque locum tenentes per regna provincias et loca prefata ubilibet constitutos rogandos duximus et hortandos, eis in remissione peccatorum iniungentes, quatinus prelibate ecclesie necessitatibus ut filii multe teneritudinis compatientes ab intimis vos, quos collectores fructuum reddituum et proventuum huiusmodi et vestrum alterum auctoritate presentium deputamus, et subcollectores vestros ipsos per idem triennium colligere et exigere absque alicuius difficultatis obstaculo permittant libere et illos prout in eis fuerit vel vestrum alteri ac subcollectoribus memoratis assignare procurent per vos sepedicte ecclesie camere resignandos.

Quo circa, de vestre circumspectionis industria plenam in domino fiduciam obtinentes, discretioni vestre per apostolica scripta mandamus quatinus prefatos fructus redditus et proventus per vos et subcollectores, quos vos vel alter vestrum ad hoc decre-[f. 63v.]veretis deputandos, diligenter colligere et exigere ipsosque fideliter eidem camere assignare curetis. Nos enim vobis et vestrum alteri colligendi per vos et vestrum alterum et subcollectores eosdem, et exigendi fructus redditus et proventus premissos, et subcollectores mutandi huiusmodi et alios subrogandi, quotiens expedire videbitur, nostro et ecclesie prefate nomine, necnon contradictores quoslibet et rebelles, quicumque et cuiuscumque conditionis preeminencie ordinis aut status existant, etiam si pontificali prefulgeant dignitate, auctoritate nostra, appellatione postposita, compescendi; non obstantibus quibuscumque privilegiis statutis et consuetudinibus contrariis ecclesiarum in quibus huiusmodi beneficia fuerint iuramento confirmatione apostolica vel alia quacumque firmitate vallatis, seu, si predictis archiepiscopis episcopis aut aliis superius nominatis vel personis quibuscumque aut eorum ordinibus a sede prefata indultum existat, quod excommunicari suspendi vel interdicti non possint per litteras apostolicas non facientes plenam et expressam ac de verbo ad verbum et ipsorum ordinum mentionem [sic], et quibuslibet litteris privilegiis et indulgentiis apostolicis generalibus vel specialibus quibuscumque personis et locis et sub quacumque forma vel concessione verborum concessis per que presentibus non expressa vel totaliter non incerta [sic] effectus presentium impediri valeat quomodolibet vel differi et de quibus verbo ad verbum mentionem in litteris nostris fieri oporteat; specialem plenam et liberam concedimus auctoritate presentium facultatem.

Datum Lugduni Kalendis Februarii pontificatus nostri anno primo.

<sup>106</sup> Ecclesiasticorumque in the text.

## NONCONFORMITY UNDER THE "CLARENDON CODE"

THE disintegration of Puritanism was accompanied by a rise of religious free-thinkers, the growth of the Royal Society, and a period of social unrest which made the restoration of Charles II. inevitable.<sup>1</sup> Negotiations with the exiled court were begun with amazingly quick results. In his Declaration from Breda Charles promised liberty to tender consciences, subject to the approval of Parliament, and agreed to use his power in securing a religious settlement. This declaration accomplished its purpose by creating false hopes and the king returned in 1660 amid unrestrained expressions of joy.<sup>2</sup> The objection of Presbyterians to Episcopacy was in matters of church polity. They thought the system would be modified to suit their tender consciences and that comprehension within the Church would follow. Therefore the Declaration from Breda meant a Presbyterian-Episcopate to this element of Dissent.<sup>3</sup> It meant a different thing however to the other nonconforming bodies. They looked upon "liberty to tender consciences" as giving them the right to a free exercise of worship. They did not care whether the Church was strict or limited; whether the prayer-book was modified or destroyed. Therefore the plea of the "Fanatics" and that of the Presbyterians was different, though it does not seem

<sup>1</sup> Address of Anabaptists to the king: "We have sown the wind, and we have reaped a whirlwind; we have sown faction, and we have reaped confusion." Clarendon, *History of the Rebellion* (Oxford, 1816), III. 806. In the Declaration from Breda, Charles alluded to the confusion as, "men engaged in parties and animosities against each other". As late as 1668 they were still in bitter contentions: "In every Town almost which was capable of two Preachers, one Presbyterian and one Independent were planted . . . condemned . . . to Dispute and Preach and Strive." Kennett's *Register*, June 8, 1662.

<sup>2</sup> The king "smoothed them with some good Words, which they, afterwards, most brazenly called Promises". North, *Examen*, p. 431; Clarendon, *History of the Rebellion*, III. 991.

<sup>3</sup> *Documents relating to the Settlement of the Church of England by the Act of Uniformity*, pp. 105-111. Sylvester, *Reliquiae Baxterianae or Mr. Richard Baxter's Narrative of the Most Memorable Passage of his Life and Times* (London, 1696), with special reference to the Declaration on Ecclesiastical Affairs, pt. II., pp. 259-264, also 230. It is essential to keep in mind this hope of the Presbyterians all through the struggle. Their ideas and expectations were always different from those of the other nonconforming bodies and it is a mistake to associate them except in a general way. This has been a persistent error which has resulted in giving to the Presbyterians a greater share of suffering than the evidence warrants.

to have come to an issue until October, 1660.<sup>4</sup> The Presbyterians wanted to get into the Church upon a modified basis; the Fanatics were fighting to keep out of the Church upon any terms whatever.

The Presbyterians showed their uncompromising and bitter determination in the struggle that now began. Baxter knew that the king desired a union of the Presbyterians and the Church of England but the king told him that "this Agreement could not be expected to be compass'd by bringing one party over to the other, but by abating something on both Sides".<sup>5</sup> This was refused, "and tho' desired by the King, to read so much of the Liturgy as themselves had no objection against . . . yet the Honour of their Party, and their Credit, was not to be reconciled".<sup>6</sup> Knowing that the Church had passed into the hands of Parliament, and that the king desired unity, the Presbyterians felt secure, little suspecting that "the Bishops who had been formerly allowed to persecute by favor of the King in spite of the House of Commons" would have power "to persecute by favor of the House of Commons in spite of the King". The Fanatics began to realize that the Presbyterian plan was to limit Episcopacy, comprehend Presbyterians, and crush all other Dissent.

A large amount of material has been opened in Devonshire House, London, which throws much light upon this period. This consists of the Quaker records for England. Devonshire House was the centre into which written reports were sent describing the treatment of Quakers in all parts of England. These reports were transcribed into large volumes called "The Books of Sufferings" and in them we have a picture of the Friends as they lived and suffered under the Restoration.<sup>7</sup> Court trials, fines, imprisonments,

<sup>4</sup> The reasons for nonconformity were reducible to five. Kennett, June 9, 1662. This was clearly shown in the Savoy Conference and the subsequent action of the Fanatics upon the attitude of the Presbyterians who quibbled over allowing "others" to share the benefits of indulgence. Sylvester, *Baxter*, pt. II., pp. 259-270; H. S. Skeats, *History of the Free Churches in England* (London, 1869), p. 73. For the attitude of Fanatics see *Cal. St. P. Dom.*, 1660, September to December.

<sup>5</sup> Calamy, *An Abridgement of Mr. Baxter's History of his Life and Times* (London, 1713), I, 140.

<sup>6</sup> Kennett, 1662, June 29 and August 3.

<sup>7</sup> The care with which the Quakers kept the records of their sufferings was due to orders handed down from Devonshire House. They had specific instructions to note everything pertaining to their sect in every part of England and were to send it to Devonshire House to be recorded. Their Yearly Meeting was also held there and at that meeting the affairs of the Friends were carefully discussed and recorded. This meeting directed that one or two Friends be at all assizes and ascertain every possible fact relative to accused Quakers with specific instructions that a report be sent to Devonshire House for record. Thus we find a most minute statement of all that happened to the Friends during this trying



deportations, conventicles, those present, raids made by officers, and all such indispensable information is given in a most minute way. In addition to these Books of Sufferings there is a large collection of Quaker tracts in bound volumes, which are carefully arranged and marked in order of importance. They describe the distraint of goods for fines, enumerate the approximate losses, injury to trade, and such things as they hoped would appeal to the authorities and bring relief. Many duplicates of these tracts are found in the British Museum and elsewhere, but in their isolated situation they have proved quite misleading as they cannot always be identified as Quaker tracts. With the Book of Sufferings as a parallel guide the field is made clear. There is also a great mass of letters and unbound manuscripts at Devonshire House the importance of which has not yet been determined. In these records we discover who those Fanatics were that crowded the jails, suffered such losses, and throughout this period defied the government under the Clarendon Code—they were the Quakers, Anabaptists, and Fifth Monarchists.<sup>8</sup> The Presbyterians and Independents were secret in their movements and allowed the law to silence them in a manner unknown

period. Through Devonshire House passed all matters of printing, petitions to the king, etc. It engineered questions of finance, borrowed money, and received all collections. The Yearly Meeting was composed of six from London, three from Bristol, two from Colchester, and one or two from each county of England and Wales. On one occasion as much as £500 was sent to Poland from Devonshire House. Yearly Meetings, I. 60–95, Devonshire House, London. Cf. *Cal. St. P. Dom.*, 1663, August 24. To show the care with which they kept their records, there are the names and addresses of 3898 persecutors of the Friends at the end of the Book of Sufferings, III., Devonshire House. It is no wonder that the Quakers could spread news all over England in a week. *Cal. St. P. Dom.*, 1664, March 7. See also *A Collection of the Epistles from the Yearly Meeting of Friends in London, 1675–1805* (1806), pp. 5–20. It is evident that Joseph Besse's *Collection of the Sufferings of the People called Quakers* was largely drawn from these records. For this reason, his work is of more value than is generally thought.

The financial extremity to which the Dissenters were driven has attracted considerable attention. In the absence of documentary evidence students have concluded that it was quite severe. It is only when we get the Stock Book of the Quakers at Devonshire House, giving their receipts and disbursements, that we see how well furnished this sect was. There was no time when they were in need of money. They even conducted foreign missions in the heat of persecution, and contributed large sums to local causes which apparently did not need them. If this was true of the Quakers, what shall we think of the other sects who were never attacked with such violence as they? See Yearly Meetings, I. 87. Also the National Stock Account at Devonshire House.

<sup>8</sup> Seen abundantly elsewhere. *Cal. St. P. Dom.*, 1664, March 7 and June 24. Joseph Allen said in 1662, "Amongst Christians Bellarmine . . . hath this Gradation in his Observation of Sufferers, wherein he placeth the worst first. To suffer (saith he) the Anabaptists were forwardest, the Calvinists next, and the Lutherans very slack. And if it may be no Offence to my Brethren, we may easily note, that with us the Quaker is forwardest, the Anabaptist next, the Independent and the Presbyterian last." Kennett, August 26, 1662.

among the Quakers.<sup>9</sup> These Devonshire House records form the basis for the opinions expressed in this paper.

Episcopacy was fast settling itself upon its old foundations by October 25, 1660. The Presbyterians had made some advance and were hopeful—all other sects were ignored. Whatever the religious settlement would be, it was now clear that it would be arranged between the Presbyterians and the Episcopalians, and that the Fanatics would have to comply, regardless of their wishes. Charles made no attempt to disguise this in his Declaration on Ecclesiastical Affairs. Trouble from the Fanatics was inevitable for they would not yield to any kind of conformity. Between October and January they were active and, smarting under their unhappy condition, were abusive in their private and public utterances. The sects were so different in their temperaments that it is unsafe to speak of them collectively, attributing to them a united activity in one great movement. This has been the persistent error of nonconforming writers. To tell what the Fanatics were doing during this period would necessitate taking up each sect separately. The more violent type, like the Fifth Monarchy Men, later showed that they were planning insurrection. Those of a milder type, as the Anabaptists, were using the pulpit and press in scurrilous denunciation of the higher powers—it must be said to the ruin of themselves and the Presbyterians. Baxter says: “The Sectaries (especially the Anabaptists, Seekers, and Quakers) chose out the most able zealous Ministers, to make the Marks of their Reproach . . . reviling them, and raising up false Reports . . . thro’ their Sins have ruin’d themselves and us . . . a few Dissenting members did all this.”<sup>10</sup> This pitiful lament of Baxter deserves no sympathy, for the folly of the Fanatics here depicted was but a reaction against the treachery of the Presbyterians in which the whole body of Dissent fell. It is noteworthy that Baxter here incidentally confesses that the way was paved for the Clarendon Code by the action of the Dissenters—that instead of the code being forced through the hatred of Clarendon, the Dissenters brought it upon themselves by their rash actions.

About the time of the Savoy Conference the controversy assumed a changed aspect. The ignored Fanatics were arrayed against

<sup>9</sup> Contrast paragraphs 429 and 431, p. 436, of Sylvester’s *Baxter*, pt. II, in which Baxter confesses this identical thing: “The Quakers so employed Sir R. B. and the other Searchers and Prosecutors, that they had the less leisure to look after the Meetings of Soberer men; which was much to their present ease.” Again, “The Quakers kept their Meetings openly, and went to Prison for it cheerfully”, p. 437. *Cal. St. P. Dom.*, 1664, no. 56, p. 143. According to Potter, the Presbyterians “admit none to their meetings but by ticket, and sometimes exclude their daughters and wives”.

<sup>10</sup> Calamy, *Baxter*, I. 95-97.

the Presbyterians and Episcopalians.<sup>11</sup> Ralph says, "They even conspired to further the Bill for Uniformity by which the Presbyterians would suffer more than themselves." How true this is we may never know for the literature of the period is more concerned with "broken promises of the King" than with Presbyterian intrigue. Toleration was the thought uppermost in the minds of the Fanatics. But the dispute over toleration and comprehension was settled by the return of the Cavaliers in 1661, guaranteeing the misfortune of Presbyterians and Fanatics.<sup>12</sup> The Presbyterians were soon brought to suffer with the same people whom they could have befriended, and suffered at the hands of those whose favor they had courted.

It is the accepted view that Lord Clarendon used these young Cavaliers to secure the four enactments that carry his name: the Corporation Act, 1661; the Act of Uniformity, 1662; the Conventicle Act, 1664; the Five Mile Act, 1665. These acts were supposed to crush Dissent and establish the Church of England, which was the ultimate result. But to regard them as part of an arbitrary plan is more than the evidence seems to warrant. Economic and political conditions evidently influenced this drastic legislation.<sup>13</sup>

When the Fanatics realized that their hopes for toleration were being lost through the efforts of the Presbyterians for comprehension, certain of the more violent ones rushed out of a meeting-house on Coleman Street in London and terrified the city for three days. A proclamation was immediately issued against all such private meetings and the Corporation Act followed, which prevented Fanatics from holding public office.<sup>14</sup> The proclamation and the

<sup>11</sup> Sylvester, *Baxter*, pt. II., pp. 370-380.

<sup>12</sup> A most interesting and minute picture of these young Cavaliers is given in C. B. R. Kent, *The Early History of the Tories* (London, 1908). This study of the Tories is necessarily bound up with a study of nonconformity and is a most interesting piece of work.

<sup>13</sup> Kent, pp. 148 ff. Also Tracts, vol. "C", no. 187, and Select Tracts, vol. 57, Devonshire House. Also Book of Sufferings under date, all of which show that the laws passed against the Fanatics were measures of protection to the state. The state demanded certain visible expressions of loyalty which the Quakers, Fifth Monarchists, and other extremists would not give upon religious grounds, therefore in attempting to force loyalty, persecution followed. The Book of Sufferings makes this clear on almost any page by showing that the disloyalty of which they were accused was the very thing of which they were innocent and at no time does it appear that they thought the state was otherwise concerned. It was not a question of heresy, it was a question of treason: "Sovereignty is the design, and godliness is the pretense". *Ignoramus Justices*, British Museum.

<sup>14</sup> This riot of the Fifth Monarchists, January 6, 1661, was only a visible expression of their treasonable doctrines. It was necessary to stop such conventicles and on January 10, 1661, a proclamation to this end was issued. St. P. Dom., Various, no. 11, p. 38. While the Quakers and Anabaptists had nothing to do with this riot they were affected by the order and very justly so if we

Corporation Act, being applicable to every sect, produced widespread disorder. The Nonconformists, for the most part of the lower middle class, became implacable, charging the king with broken promises, and threatening all manner of violence. Their meeting-houses being the chief centres for these threatening speeches, were regarded as breeding places of sedition and were shut up by the Conventicle Act. The Act of Uniformity which preceded this demanded that religious worship be conducted in licensed churches and chapels under men better disposed to the government. The form of worship these people had been using also seemed a cause for their treasonable action—hence the demand for the use of that form of worship prescribed by the Church of England.

The last chapters of the Puritan rebellion had just closed when all this began. It is not probable that the Restoration government would take many chances with the very people who had caused its earlier troubles. But instead of these acts quieting the Dissenters, they became more abusive and obstinate. The fourth act shows how gravely the government looked upon the situation. It was a blow at the preachers and school-teachers who were supposed to be the ringleaders of the sedition. They were forbidden to come within five miles of an incorporated town. It is significant that the Clarendon Code extends over a period of five years and that each act grows in severity. This indicates that it was a product of the times—demanded by conditions. If it were arbitrary legislation, why did it take this course when the parties in power could have accomplished at one stroke that which, according to history, required five years?

From the Restoration to the Revolution England was a storm centre of religious protest out of which came a vast literature. The greater part of it was from the Dissenters and indicates a united think in terms of that day—they refused the oath of allegiance and supremacy and many such things, which marked them as treasonably disposed. This is only another proof that these three were the trouble-makers of that day as the authorities saw it and as we shall later try to show. This proclamation against them was the most natural thing possible, and to pretend that the government was using this as an excuse to further some design, is but a step toward the common error of attempting to palliate by twentieth-century thinking that which to the people of the seventeenth century was inexpressibly horrible. The government was getting ready to handle these three sects and other extremists as early as January 2, 1661, as an order of the king in Council shows. See Kennett under that date, p. 352. They had been gathering from various cities, "meeting at unusual hours and in great numbers", and many things indicated an alarming situation. See *Cal. St. P. Dom.*, 1660, November 4, 13, 21, 24, December 11, 13, 15, 18, 19, 20, 24, 29, and 1661, January 2. Also Kennett, December 15, 1660. The Quakers, Fifth Monarchists, and Anabaptists were the great sufferers by this proclamation. See Besse, I. 43, 307-310; also Bate, *The Declaration of Indulgence*, 1672, p. 17.

protest against cruelty and injustice. For the most part it consists of tracts and diaries, though Baxter, Fox, Calamy, and others have left extended works. It is from the tracts, in part, that students have received the impression that there was universal suffering. The important question therefore is, who wrote these tracts? Careful investigation shows that by far the greater number were written by the Quakers and other extremists.<sup>15</sup> If this argues anything, it shows who suffered most, and their contents significantly sustain the opinion. If the question be asked why the Quakers, Anabaptists, and Fifth Monarchists suffered most, the answer is found in the fact that the last two were practically anarchists and that the Quakers, because they refused to take an oath, were looked upon as highly dangerous. They were even regarded as a secret society of the Catholics, and upon the Great Rolls of the Pipe they were counted among the Recusants.<sup>16</sup>

But this does not fully meet the condition. The State Papers, and in fact the entire literature, leave the impression that the Clarendon Code fell with equal weight upon all. Despite the many things that make this view unsatisfactory, little investigation has been made into it. It is not that students openly affirm a universal suffering but they practically reach this position in their conclusions. No one will deny that the Presbyterians and Independents suffered, and that they represented the largest and strongest element of Dissent, but there is no proof that they were the victims about whom we read so much. Undoubtedly there was great suffering among the Presbyterians by the loss of livings in 1662, and the Five Mile Act probably added hardship in 1665.<sup>17</sup> The Independents suffered also but their distress was chiefly through the loss of money in church and crown lands. We would not minimize the suffering of these two but the evidence does not seem to show that they were the ones who were rushed into court in great droves, who crowded the jails, who were raided in their meeting-houses and were sold out of house and home to pay fines for violating acts of the Clarendon Code.<sup>18</sup>

<sup>15</sup> This is especially true of those tracts depicting actual suffering. See Smith's two volumes in which he has collected the tracts for and against the Quakers. Most of the tracts not written by Fanatics are doctrinal, sermonic, etc.

<sup>16</sup> St. P. Dom., Various, 1660-1665, no. 11, p. 62. Also Add. MSS. 20739, Brit. Museum, and Bate, p. 3.

<sup>17</sup> Sylvester, *Baxter*, pt. II., pp. 432; Pepys, *Diary* (ed. Bohn, 1875), August 21, 1665; *Cal. St. P. Dom.*, 1662, p. 452.

<sup>18</sup> Men like Samuel Parker, brought up among the Sectaries, are very deceiving in their later writings against Dissenters in this matter. For example in his *Ecclesiastical Policy* all nonconformists are judged according to the erratic follies of those "among whom he was bred". Parker is widely quoted and often misunderstood, and it is from just such contemporary writers that students get a

There seems to have been a definite use for the word "Fanatic" in the literature. Not that it was used of any one sect, but in a broad sense it covered all Dissenters except Presbyterians. The expressions "Anabaptist fanatic", and "Fanatic Fifth Monarchy Men" are common, but rarely, if ever, do we read of Presbyterians as "Fanatics".<sup>19</sup> This is significant, for those who gave the authorities so much trouble, and against whom the government was so active, were persistently spoken of as "Fanatics". There is a logical basis for this, for in 1660 the Dissenters were divided into two parts, the Presbyterians forming one part, while all other Dissenters formed the other part. This was clearly seen by October 25, 1660, when the Presbyterians and the Church of England were arrayed against all others in the struggle over comprehension. The Presbyterians were usually called by their own name, though sometimes they were spoken of as "Schismatics", as in the "Presbyterians and other schismatics".<sup>20</sup> It is not safe to press the terms "Fanatic" or "Schismatic" too far but in a general way the former was used of the violent and persistent offenders, while the latter was used of the more moderate sects. The numerous cases where the terms "Schismatic" and "Fanatic" shade into one another make it difficult to draw clear lines of distinction.<sup>21</sup>

false view of the character of Dissenters and the extent of their suffering. See Sylvester, *Baxter*, pt. III., pp. 41. The same thing is true of Bugg in his *Progress from Quakerism to Christianity*. In early life Bugg was an ardent Quaker, later he was one of their worst enemies.

<sup>19</sup> Baxter explains "the true state of the Conformists and Nonconformists in England at this time". Sylvester, *Baxter*, pt. II., pp. 386, 387. His analysis is lengthy, clear, and convincing. It is in speaking of the Independents that he draws the distinction contended for in this article: "Others of them . . . addicted to Separations and Divisions . . . have opened the Door to Anabaptists first, and then to all the other Sects. These sects are numerous, some tolerable, and some intolerable and being never incorporated with the rest, are not to be reckoned with them. Many of them (the Behimists, Fifth Monarchists, Quakers and some Anabaptists) are proper Fanaticks." Also *Cal. St. P. Dom.*, 1660, November, p. 382; 1661, December 4; 1663, October 12; 1664, November 18; 1666, July 17. Also Kent, p. 152, n. 1. The word "Fanatic" is said to have come into general use after February 6, 1660, see Bate, p. 7, n. 27.

<sup>20</sup> Sometimes "Presbyterian seditious Schismatics". Sylvester, *Baxter*, pt. II., p. 432. There seems to have been a sharp distinction between the "Schismatics" and the "Sectarians": "The Sectarians (as they then called all that were for Liberty of Sects, and for separated Churches) were for the way of Indulgence." Sylvester, *Baxter*, pt. II., p. 433. Sometimes, however, the Presbyterians are called Sectaries, which is explained by note 31 below. See *Cal. St. P. Dom.*, 1661-1662, p. 209, no. 71; 1661, November 13; cf. 1661, July, p. 50.

<sup>21</sup> No one word needs to be more carefully guarded as to its meaning than the word "Presbyterian". Baxter explains its specific use: "Here you may note by the way, the fashion of these Times, and the state of the Presbyterians; Any Man that was for a Spiritual serious way of Worship (though he were for moderate Episcopacy and Liturgy), and that lived according to his Profession,



This brings the study to narrower limits in that it marks the Fanatics as those about whom we read as suffering violently. Some of them, like the Quakers, were open and persistent offenders; others, like the Fifth Monarchists, were underhanded and malicious. The Anabaptists were held in grave suspicion, more, however, on account of their supposed progenitors on the Continent than from any actual uprising during the period. A few of their members confirmed this opinion by rash actions.<sup>22</sup> The Independents and Baptists were milder than the three above mentioned. The Presbyterians, like the Independents, seem to have been unusually quiet. John Whitehouse went to the expense and trouble of publishing a pamphlet in which he chided them for letting the law silence them.<sup>23</sup> These distinctions may seem trivial, but they are essential to an understanding of the literature. They allow us to study the subject analytically and preserve us from false conclusions as to the extent and amount of suffering.

The social standing and general character of the Dissenters is worthy of careful consideration. A brief comparison will show that they were much inferior to the Recusants who stubbornly fought the established Church under Charles I.<sup>24</sup> There is a disposition to look upon Calamy, Baxter, Owens, and others, as fair types of Restoration nonconformity, whereas they were much superior to the average sectarian of the time. We find very few

was called commonly a Presbyterian, as formerly he was called a Puritan, unless he joyned himself to Independents, Anabaptists, or some other Sect which might afford him a more odious Name. And of the Lords, he that was for Episcopacy and the Liturgy . . . if he conformed not so far as to Subscribe or Swear to the English Diocesan Frame, and all their Impositions. I knew not of any one Lord at Court that was a Presbyterian; yet were the Earl of Manchester (a good Man) and the Earl of Anglesey, and the Lord Hollis called Presbyterians, and as such appointed to direct and help them; when I have heard them plead for moderate Episcopacy and Liturgy my self; and they would have drawn us to yield further than we did.

"And if ever any hereafter shall say, That at King Charles the Second's Restoration, the Presbyterian Cause was pleaded, and that they yielded to all that was in the King's Declaration, I leave it here on Record to the Notice of Posterity, that to the best of my knowledge the Presbyterian Cause was never spoken for, nor were they ever heard to petition for it at all." Sylvester, *Baxter*, pt. II., p. 278. Again: "When the King's Declaration was passed, we had a Meeting with the Ministers of London called Presbyterian (that is, all that were not Prelatical, nor of any other Sect)." *Ibid.*, p. 284. Also see Kent, p. 152.

<sup>22</sup> Egerton MSS. 2542, f. 370, Brit. Museum.

<sup>23</sup> John Whitehouse, *A Few Words by Way of Query to Presbyterians and Independents*, Select Tracts, vol. 69, no. 199, Devonshire House. For confirmation of this see Sylvester, *Baxter*, pt. II., p. 436. After the great fire in London, Presbyterians and Independents came boldly into open conventicles, "connived at", says Baxter. *Ibid.*, pt. III., pp. 19, 22.

<sup>24</sup> *Middlesex County Records*, III. 267, 342. Also many places in the Book of Sufferings, as under Bristol, 28 of 6 month, 1683.

"persons of quality", and the number of those who were comfortably furnished may be easily overestimated. But there were prominent merchants and employers numbered among the Dissenters. It seems there were wealthy serge-makers in Plymouth and prominent woolen-workers in Suffolk who employed great numbers who were themselves Dissenters.<sup>25</sup> In speaking generally George Fox said, "many tradesmen, and seamen, merchants, and husbandmen, their callings and families have been neglected and wasted".<sup>26</sup> In like manner Chr. Bernard, deputy remembrancer of the Exchequer, drew up "at the King's special command" in 1672 a list of the convictions turned into the Exchequer "with their respective qualities and places of abode" and observes: "None of the nobility are here mentioned" except one who later conformed. "Very few of the considerable gentry of England, it being rare through all this book to meet with the addition of Knight or Sir. In those Counties where I have been able to make inquiry as in Yorkshire, the persons are unknown, or so poor they are scarce worth the penalty of one twentieth. In Suffolk there are persons of quality but such as either in person or their fathers did eminently serve the King."<sup>27</sup> In a tract supposed to have been written by Lord Clarendon it is said, "Now upon a just conclusion 'twill appear that the sea-faring man, and the trading part of the nation does in great measure consist of nonconformists and that much of the wealth and stock of the nation is lodged in their hands."<sup>28</sup> This statement is confirmed in an order handed down by the justices of the peace at Hicks Hall wherein mention is made of the Tower Hamlets and the nonconformists in those nineteen parishes, "The people for the most part consist of weavers and other manufacturers and of sea-men, watermen, and such as relate to shipping and sea service."<sup>29</sup>

While the movement itself seems to have drawn its support from the humbler classes, the leaders were frequently people of prominence. We do not here allude to men like Fox, Baxter, or Owens, who had long before distinguished themselves, but a group of leaders less well known though they were people of standing and

<sup>25</sup> Tracts, vol. "C", no. 206, Devonshire House. Also Book of Sufferings under Bristol, 8 of 11 month, 1681.

<sup>26</sup> *Somers Tracts*, VIII. 254. "For the King and both Houses of Parl."

<sup>27</sup> Add. MSS. 20739, Brit. Museum.

<sup>28</sup> *Second Thoughts*, supposed to have been written by "Edward Hyde First Earl of Clarendon". Brit. Museum.

<sup>29</sup> Law Tracts, Trials, etc., September 6, 1684. This was especially true of the Walloons who settled around Canterbury. They hold a more important place in the study of this subject than might at first be thought. See *Cal. St. P. Dom.*, 1661, August 2, October 12, 18, and 21; 1662, September 3, November 3 and 14, and March 20. The society dealing with Huguenot history discusses the Walloons fully.

particularly active at the time. Among others was Mary Pennington who was the daughter of an ex-mayor of London and very wealthy at the time she espoused the Quaker cause. There were also men like Sir Anthony Ermyn who kept a nonconformist chapel and held services Sunday and Friday afternoons "where there do resort divers great persons".<sup>30</sup> The story of Margaret Fell belongs to this period, and many like her might be mentioned among the patient, suffering Friends. From the letter of a spy we find that "Sir John Knight and another member of the House of Commons, were at a meeting of Strange and Vernon" and expressed dissatisfaction with the present proceeding in Parliament and "that they would adhere to the good old cause".

Among the leaders therefore we find people of excellent parts, men of quality, intellect, and money. But there is nothing to show that any considerable part of the gentry of England espoused the cause or were in sympathy with it. It found its recruits in the lower ranks.

It is thought that these Dissenters were riotous and persistently plotting against the government. The literature does speak of "riotous meetings" and persistent "plottings", but we must think in qualified terms of these riotings and plottings. The Conventicle Proclamation, January 10, 1661, says, "No meetings shall hereafter be permitted unless it be in parochial churches or chapel, or in private houses of private people there inhabiting. All other meetings are unlawful and the persons there assembled shall be proceeded against as riotously assembled." Therefore all quiet meetings for prayer, other than as above described, "were notorious contempts of us and our laws" and were "riotous assemblies".<sup>31</sup> Hence we cannot tell how prevalent "rioting" was, as we use the term, but many of the supposed "riots" can be shown to be nothing but what we should call cottage prayer-meetings.<sup>32</sup>

In like manner, to the casual reader, the literature seems to show that "plotting" was the daily occupation of the Dissenter. But as in the matter of "riotous assemblies", so in this, we must take

<sup>30</sup> *Cal. St. P. Dom.*, 1666, May 2, no. 7.

<sup>31</sup> Proclamations, *St. P. Dom.*, Various, no. 12. They were sent to prison as "rioters" for many strange reasons. A girl was imprisoned as a "rioter" for defending her honor against the actions "of certain rude boys". *Book of Sufferings*, under Bristol, 1681. See Besse, vol. I., ch. 4, p. 63.

<sup>32</sup> An incident in the life of Baxter is interesting: "It was famed at London that I was in the North, in the Head of a Rebellion. And at Kidderminster I was accused, because there was a Meeting of many Ministers at my House . . . to dine with me." Sylvester, *Baxter*, pt. II., p. 377. Again, "and every Meeting for Prayer was called a dangerous Meeting for Sedition". *Ibid.*, p. 431.

cognizance of their mode of thought.<sup>33</sup> Conventicles were looked upon as breeding places of sedition. Clarendon wrote to the justices of the peace in Suffolk, "Meetings and conventicles have as their chief end, the confirmation of each in his malace against the Government and in taking of collections to support those who are listed to appear in any desperate undertaking." Therefore the act of meeting seems to have been a kind of plotting.<sup>34</sup> The very fact that these meetings were often held "in secret places and at unlawful times" created a bad impression.<sup>35</sup> "Soverignty is the design, and godliness is the pretence", said Sir William Smith before the grand jury at Hicks Hall. The conventicle on Coleman Street in London had justly confirmed this opinion.

While much of the plotting reached the authorities through spies a great deal came through intercepted letters that indicated some "desperate design" for a future date. It was not infrequent for postmasters to receive an order which allowed a marshal to search all mail for plots "by certain disaffected persons". In his search he might open a letter announcing some large meeting by the Quakers. The form such a letter would assume has been left us by Bugg:

*Dear Friend:*

By this thou may'st know, that God willing, Jonathan Johnson and I do intend to be at Milden-Hall Meeting the next First-Day, and shall be glad Friends generally may know thereof, that we may have a good large meeting; I mean, Friends that are afar off in the Country.

R. S.<sup>36</sup>

Such a letter in the hands of a marshal would easily create suspicion, and it is not improbable that he would put his own inter-

<sup>33</sup> Stoughton says, "A few fanatics entertained rebellious designs; but that Presbyterians, Independents, Baptists, or Quakers, either generally or in large numbers, were covering political plots under a veil of religious worship—the point sought to be established—is unfounded surmise, indeed a pure invention." *Ecclesiastical History of England*, I. 210-211, also, pp. 292-295. See note 37 below.

<sup>34</sup> People dared not even help the ejected ministers lest it should be said they "were taking collections for some plot or insurrection". Sylvester, *Baxter*, pt. II., pp. 385, 386.

<sup>35</sup> See also *Cal. St. P. Dom.*, 1662, November 6.

<sup>36</sup> F. Bugg, *Pilgrim's Progress, from Quakerism to Christianity*, p. 91. "In that age of sham plots the fabrication of letters was common, of which Captain Yarrington published an exposure in 1681." Stoughton, *Ecclesiastical History*, I. 212, n. 1. Stoughton cites several cases in which stories of "terrible plots" were put into letters when indeed no plot was contemplated. See vol. II., appendix I. The so-called "Grand Presbyterian Plot" for which so many were imprisoned, and about which much even to-day is written, can be shown to have had its origin in sham letters. Sylvester, *Baxter*, pt. II., p. 383. See the two articles by W. C. Abbott, "Conspiracy and Dissent", in vol. XIV. of the *AMERICAN HISTORICAL REVIEW*.

pretation upon it since the informer was liberally rewarded.<sup>37</sup> In any event he would have the information of an unlawful meeting to which even the people from the country were coming. When these people were taken into custody in this "riotous assembly" they would be held as "plotters" under "pretense of religion". This is exactly what happened to Thomas Ellwood when he wrote to his friend Thomas Loe that he had secured a meeting place near by and asked if he could come. The letter was intercepted and carried to Lord Falkland. Ellwood and a number of Quakers were seized as "plotters" and hurried off to prison.<sup>38</sup>

We do not doubt that individuals and even congregations were at times led to extreme action—especially the Fifth Monarchists—but we do not think this was true of the Dissenters as a whole. It is recorded by their enemies that they were unusually peaceable.<sup>39</sup> Brownley wrote Viscount Conway, "I confess I wonder at the spirit of the Nonconformists. Their ministers preach patience and against forcible resistance." While we do not feel that the Dissenters were a riotous, plotting people, it is very important to see what opinion the authorities held about them in that day. To them, the Dissenters were a dangerous people against whom strict laws should be passed and this explains why the Clarendon Code was so rigorously executed. But it is well to use care in estimating the severity of the persecution as there is reason to believe it has been greatly overdrawn in many cases.<sup>40</sup> The laws governing the release of prisoners and the peculiar religious beliefs of some sects are two things that have proven deceptive in analyzing this question.<sup>41</sup>

<sup>37</sup> Egerton MSS. 2543.

<sup>38</sup> *Life of Thomas Ellwood* (Autobiography series, London, 1827), p. 59. Much the same thing in another form is cited in Stoughton, I. 313. See *Cal. St. P. Dom.*, 1663, December. Spies were quick in drawing conclusions from things overheard secretly. *Cal. St. P. Dom.*, 1665, August 15.

<sup>39</sup> *Ignoramus Justices*, Brit. Museum. *St. P. Dom.*, vol. 99, n. 9.

<sup>40</sup> Ellwood shows the Quaker prisoners were well provided for by committees appointed to visit the prisons and take them food. They were allowed many privileges while in prison which were not commonly given. *Life*, pp. 77, 109, 113. He even says that a tramp pretended that he was a Quaker that he might be imprisoned with them. Further, the *Report of the Commission on Non-Parochial Registers* (1836) shows that up to 1688 the Presbyterians, Baptists, and Independents founded 152 churches. Of this number 109 were founded between 1660 and 1668. This is strange if the persecution was as severe as is often asserted. Of these 109 churches, 72 were Independents, 17 were Presbyterians, and 20 were Baptists. To this may be added the frequent kindness of jailors and the lax enforcement of law by the justices. *Cal. St. P. Dom.*, 1664, January 28, October 24; 1665, March 19.

<sup>41</sup> "A table of some fees as are allowed by His Majesties Justices of the Peace" shows how expensive prison life was. See Book of Sufferings, IV. 274, foot-note. Also, *ibid.*, p. 301, wherein it cost one man £4 4 s. Also Drake, *History of the City of York*, "Table of fees passed by the Mayor July 1672". "The

We cannot therefore accept the view that Clarendon instituted a religious persecution against Dissent. The Clarendon Code was designed to suppress sedition, but as a rule it was a hardship only to those who openly defied it. Such sects as the Quakers, Anabaptists, and Fifth Monarchists were notorious in this respect and consequently were called "Fanatics". The suffering of the Presbyterians and Independents was not comparable to that of the Fanatics who were fined, imprisoned, deported, and otherwise severely punished. We feel therefore that much has been written about the extreme suffering of the Presbyterians and Independents which did not exist. To attribute to them an equal share in the suffering of the Fanatics would demand that the word Fanatic be applied to them. This is more than the evidence warrants. It is only fair to say that, with the exception of the Fifth Monarchists, the Fanatics were not a riotous, plotting people, but were quite the opposite. However it is important for us to see that they were thought to be a most dangerous people and for this reason the acts of the Clarendon Code were actively enforced against them. Since the number of Fanatics was comparatively small, it follows that the extent of violent suffering under the Clarendon Code was not as great as is generally thought. It is also clear from the Devonshire House records that the amount of suffering even among the Quakers has been greatly overestimated.

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during and tedious imprisonments are chiefly upon the writs De Excom. Cap., upon judgments of Praemunire and upon fines said to be for the King . . . the spoils and excessive distresses are chiefly upon the Conventicle Act; 20 lbs a month;  $\frac{2}{3}$  of estates and Qui Tam writs." Tracts, vol "C", no. 206. In their commitment, they were to "remain . . . unless each of them (*i. e.*, of every batch of convicts) should pay a stated fine,—the words of the judgment touching the fine or fines being in each certificat to this effect, '*nisi quilibet eorum separatim pro seipsis predictis justiciariis solveret etc., pro fine etc.*'" "A consequence of this practice was that the richer individuals in a batch of offenders used sometimes to pay the fine of those of their companions in trouble, who were not themselves able or willing to escape detention by a sacrifice of money." *Middlesex County Records*, III. 348. It must also be remembered that Quakers would not pay a fine and this explains why many of them lay in prison many years. Students are frequently hasty in drawing conclusions from the "enlargement of prisoners" so often mentioned. Frequently the condition of freedom was that "they had not refused the oath of Allegiance and Supremacy"—very few of the extreme Fanatics would take this oath, hence the number of those set free might be easily overestimated. Also see Sylvester, *Baxter*, pt. III., p. 60.



## SOME LEGAL ASPECTS OF THE CONFISCATION ACTS OF THE CIVIL WAR

It is the purpose of this article to examine some of the legal problems involved in the enforcement of the federal confiscation acts during the Civil War. So questionable a war measure as the general confiscation of the enemy's private property naturally encountered opposition, and it should not be a matter for surprise that the enactment of these laws occasioned a long and trying parliamentary struggle, while the friction caused by their enforcement proved extremely annoying to the judicial officers of the government. The interpretation of the acts, moreover, presented to the judges of the period tasks which called for more than ordinary intellectual bravery.

To trace the policy of confiscation to its origin would perhaps be impossible since it arose from widely scattered sources, but the earliest official suggestion looking to the forfeiture of "rebel" property seems to have been that of Secretary of the Treasury Chase, who, in 1861,<sup>1</sup> before the matter came up in Congress, urged the financial advantages of confiscation. A formidable array of petitions received in Congress from loyal citizens in various parts of the North and even of the South during the year 1861-1862 indicates that the subject had attracted a lively attention throughout the country.<sup>2</sup> But a factor of far more influence was the action of the Confederate government in sequestering northern debts. A Confederate statute of May 21, 1861, forbade the payment of debts due to northern individuals or corporations, authorizing their payment into the Confederate treasury, and an act of August 30 provided for the sequestration of the property of "aliens", by which term was meant all those adhering to the Union cause.<sup>3</sup> In view of these acts it was urged in Congress that, aside from the general question of the justice of confiscation, a sweeping measure of forfeiture had

<sup>1</sup> *Finance Report*, 1861, pp. 12-13.

<sup>2</sup> During the month from April 1 to May 1, 1862, the following petitions regarding confiscation were received in the House: from Citizens of Wisconsin (*House Journal*, 37 Cong., 2 sess., p. 494); Citizens of Marion County, Indiana, p. 499; Citizens of Ohio, p. 567; Citizens of Springfield, Ohio, p. 620; of Warren County, Ohio, p. 624; of Hamilton County, Ohio, p. 634; of Cincinnati, Ohio, p. 634. See also *Senate Journal*, 37 Cong., 2 sess., pp. 90-692, *passim*.

<sup>3</sup> *Statutes at Large, Provisional Government of the Confederate States of America*, p. 201.

practically been forced upon the Union government by the action of the enemy.

The first confiscation law, a measure of limited scope, applying only to property (including slaves) actually employed in the aid of insurrection, was introduced in the first session of the Thirty-Seventh Congress in the summer of 1861.<sup>4</sup> It was urged by such radical leadership as that of Thaddeus Stevens of Pennsylvania,<sup>5</sup> considered with as much deliberation as the crowded business of this short session would allow, and became a law on August 6. So far as the pure principle of confiscation was concerned, these debates were unimportant. The absorption of Congress in more pressing matters, and the introduction of the amendment regarding slaves prevented a full discussion of the constitutional and legal merits of the confiscation question. Indeed it was only in the House of Representatives, and there but briefly, that the real issue of confiscation was debated at all. We must look therefore to the next session of the Thirty-Seventh Congress for a full treatment of the difficult points involved.

It requires laborious application to follow the second confiscation measure along its tortuous course through the long session of the Thirty-Seventh Congress. The subject was under frequent consideration during the whole of this session from December, 1861, to the following July. On the opening day, December 2, Senator Lyman Trumbull of Illinois, a radical Republican, gave notice of his intention to introduce "a bill for the confiscation of the property of rebels and giving freedom to the persons they hold in slavery";<sup>6</sup> on the 5th he presented his bill with brief arguments in its support;<sup>7</sup> later as chairman of the Committee on Judiciary he redrafted the measure,<sup>8</sup> and it was around this nucleus that legislative confiscation developed. According to Trumbull's bill, the property of all persons out of reach of ordinary process of law who were found in arms against the United States or giving aid or comfort to the rebellion, was to be forfeited, the seizures to be carried out by such officers, military or civil, as the President should designate for the purpose. There were no enumerated classes, the liability of forfeiture being based simply upon participation in the rebellion. The bill in this stage differed widely from the measure which was finally enacted, but the debates are none the less instructive, since most of those who spoke dealt with the general question rather than with details.

<sup>4</sup> July 15, 1861. *Cong. Globe*, 37 Cong., 1 sess., p. 120. For the final statute see *Stat. at Large*, XII. 319.

<sup>5</sup> *Cong. Globe*, 37 Cong., 1 sess., p. 414.

<sup>6</sup> *Ibid.*, 2 sess., p. 1.

<sup>7</sup> *Ibid.*, p. 18.

<sup>8</sup> *Ibid.*, p. 942.

In both houses the supporters of confiscation were Republicans of the more northern states, while its opponents were men of the border states and northern Democrats. The advocates of confiscation joined in urging the necessity of a measure to punish the "rebels"; stress was laid on the importance of crippling the financial resources of the Confederacy, at the same time adding to those of the Union, and it was urged that in a struggle so gigantic the Union government should exercise the supreme power of self-defense. On constitutional and legal questions, however, there was no such harmony of opinion. To raise such points as the war power of Congress, the status of the "rebels", the legal character of the Civil War, the restrictions of the attainder clause of the Constitution, the belligerent rights as against the municipal power of Congress, was to reveal a deplorable confusion of logic, and a jarring of opinions even among those who voted together. United in their notion as to the practical result sought, the supporters of confiscation, it would seem, had as many different views regarding the constitutional justification of their measure as there were individual speakers. Among the opponents of confiscation, inconsistencies and contradictions were no less frequent. Some of the speakers regarded the measure as too extreme; others denounced its unconstitutionality; others spoke for a policy of clemency or argued the inexpediency of the project.

As the discussion proceeded the possibility of securing a plan upon which all could agree became fainter. While the question would not down, each time of its recurrence seemed to present new difficulties. Motions to substitute radically different measures for the bill in hand, motions to postpone, motions to refer, and motions to amend, were continually being pushed, but these only served to delay and prolong the deliberations, and many a formidable speech on the merits of the question was delivered when in reality the matter before the House was one of parliamentary routine. Finally, after months of intermittent debate, after the appointment in each house of a select committee,<sup>9</sup> the matter was adjusted by a conference committee of both houses,<sup>10</sup> and thus a measure was evolved which passed the two branches of Congress.

As finally passed, the second confiscation law bore the title, "An Act to suppress Insurrection, to punish Treason and Rebellion, to seize and confiscate the Property of Rebels, and for other Purposes."<sup>11</sup> The first four sections, drawn from the Senate bill, relate

<sup>9</sup> *Cong Globe*, 37 Cong., 2 sess., pp. 1846, 1991.

<sup>10</sup> *Ibid.*, p. 3166.

<sup>11</sup> *Stat. at Large*, XII. 589. The expression "other purposes" referred to those sections of the statute which provided for the forfeiture of slaves.

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to the crime of treason and rebellion and prescribe punishments. Sections 5 and 6 declare the forfeiture to the United States of the property of certain specified classes of "rebels". A distinction was made between two main groups. The property of all officers whether civil, military, or naval, of the Confederate government or of any of the "rebel" states, and of citizens of loyal states giving aid or comfort to the rebellion, was declared seizable at once without qualification. Other persons in any part of the United States who were engaged in or aiding the rebellion were to be warned by public proclamation and given sixty days in which to return to their allegiance; if they failed to do so their property was to be confiscated. Proceedings against suspected property were to be instituted in the federal district or circuit courts, and the method of trial was to conform as nearly as might be to that of revenue or admiralty cases. If found to belong to a person who had engaged in rebellion, or who had given it aid or comfort, the goods were to be condemned "as enemy's property" and to become the property of the United States. The proceeds were to be paid into the treasury of the United States, and applied to the support of the armies. Three important sections, referring to slaves, do not concern us here. By section 13 the President was given power to pardon offenses named in the act.

An analysis of the vote on this measure shows that the division resulted from a complication of sectional with party interests. In the House of Representatives the count stood eighty-two to sixty-eight.<sup>12</sup> Of the supporters of the bill,<sup>13</sup> seventy-seven were Republicans representing constituencies north of the Ohio. All but three of the Democrats who voted opposed the bill. No such solidarity was to be found in the majority party, for twenty of the Republican or Unionist members answered "nay". Of the twenty-five border state men all but three voted with the opposition.<sup>14</sup> In the Senate the measure received twenty-seven affirmative and thirteen negative votes.<sup>15</sup> Eight of those voting in the negative were border state men, while only seven were thorough Democrats, showing again the large part which sectional sympathies played in determining the vote.

But the measure was not yet law. President Lincoln, who had

<sup>12</sup> *Cong. Globe*, 37 Cong., 2 sess., p. 2361.

<sup>13</sup> The three Democrats who favored the bill were: William G. Brown, from the loyal portion of Virginia, John Hickman, a Douglas Democrat from Pennsylvania, and John W. Noell, a Union Democrat of Missouri.

<sup>14</sup> Besides Brown and Noell the only border state man who favored confiscation was the intense Unionist and friend of Lincoln, Francis P. Blair of Missouri.

<sup>15</sup> *Cong. Globe*, 37 Cong., 2 sess., p. 3276.

never expressed more than a mild approval of confiscation, objected to several features of the congressional bill and prepared a rather elaborate veto message.<sup>16</sup> The measure, he said, would result in the divesting of the title to real estate forever. "For the causes of treason", he pointed out, "and for the ingredients of treason not amounting to the full crime", it declared forfeitures extending beyond the lives of the guilty parties. This feature of the bill the President regarded as a violation of the attainder clause of the Constitution. Further he argued that the act by proceedings *in rem* would forfeit property "without a conviction of the supposed criminal, or a personal hearing given him in any proceeding". When it was known in Congress that President Lincoln intended to veto the bill, a rather unusual proceeding was resorted to. A joint resolution was rushed through both houses which was intended as "explanatory" to the original measure.<sup>17</sup> In accordance with this resolution, the law was not to be construed as applying to acts done prior to its passage,<sup>18</sup> nor "as working a forfeiture of the real estate of the offender beyond his natural life". Although this left an important part of his objections untouched (*i. e.*, as to the condemnation of property without allowing a personal hearing to the supposed criminal), Lincoln approved the measure in its modified form, and on the last day of the session, July 17, 1862, he signed the act and the explanatory resolution "as substantially one"<sup>19</sup>

These widely different measures of confiscation were put into operation side by side, and remained so during the war.<sup>20</sup> By the terms of each of the statutes, the forfeiture of property was made a strictly judicial process, enforced through the federal district courts under the direction of the Attorney-General and the district attorneys. Information concerning confiscable property might reach the federal officials through regular channels, as by the deposition of a United States commissioner; it might be supplied gratuitously by some citizen informer, or it might be secured by the interception of letters and despatches intended for Confederate owners. The

<sup>16</sup> *Senate Journal*, 37 Cong., 2 sess., July 17, 1862, pp. 872-874; *National Intelligencer*, July 18, 1862.

<sup>17</sup> *Stat. at Large*, XII. 627; *Cong. Globe*, 37 Cong., 2 sess., p. 3380.

<sup>18</sup> In *Conrad v. Waples*, 96 U. S. 279, it was decided that confiscation under the act of July 17, 1862, applied only to the property of persons who might thereafter be guilty of acts of treason and disloyalty. For judicial interpretation of the duration feature of the resolution, see *Wallach v. Van Riswick*, 92 U. S. 208; *Bigelow v. Forrest*, 9 Wallace 339.

<sup>19</sup> *Senate Journal*, 37 Cong., 2 sess., July 17, 1862, pp. 871-872.

<sup>20</sup> The existence of the two acts side by side produced not a little confusion. Prosecutions in a given case might be instituted under either act or under both, according to the circumstances. In the Wiley case (*Annual Cycl.*, 1863, p. 220) the libel was under the act of 1861, and the proof under that of 1862.

application of the laws, it must be remembered, was limited to those districts where federal courts were in operation, and, since jurisdiction depended upon *situs*,<sup>21</sup> the property contemplated for seizure must be located in the north though owned by "rebels".

In beginning suit, a libel of information, analogous to that denounced against smuggled goods, would be filed with the district attorney; a monition or public advertisement would then be issued by the marshal summoning the owner to appear in court and establish his loyalty; then would follow, at its proper time on the docket, the suit itself, and in case of condemnation, the marshal would be directed to sell the property at public auction, turning the proceeds, after the payment of costs, into the public treasury.

The difficulties of enforcing these acts made the work exceedingly distracting to the officials. No distinct department of justice existed at that time<sup>22</sup> and the office of the Attorney-General, to whom legal questions were referred, was inadequate to the handling of any considerable amount of business.<sup>23</sup> Both the published reports and the manuscript records of the office indicate that its machinery was slow in starting, and it seems to have encountered considerable friction when it did start. Upon the difficult legal questions which arose in connection with the initiation of proceedings, there was considerable confusion of thought in the minds of the district attorneys, and little help in this matter was secured from the office of the Attorney-General who invariably "declined to advise the law officers of the government as to what constitutes a proper case for action under the law".<sup>24</sup> The local officers, thus left to their own responsibility, naturally hesitated to bring action, and this difficulty was augmented by the fact that no regular provision was made for defraying the preliminary expenses of preparing a suit in cases where the government might fail to secure conviction.

Taken all together, therefore, this seemingly smooth and workable method of seizure was seen to involve serious obstacles. The

<sup>21</sup> A district court in New York, for instance, could not acquire jurisdiction over the stock of an Illinois corporation. *U. S. v. 1756 Shares of Stock*, 27 Fed. Cas. 337.

<sup>22</sup> The establishment of the department of justice did not take place until June 22, 1870. *Stat. at Large*, XVI. 162.

<sup>23</sup> The total monthly pay-roll at this period amounted to only \$1522.06, while the schedule of salaries showed only eight employees in the entire office, the Attorney-General, assistant attorney-general, chief clerk, four assistant clerks, and one messenger. (These data are revealed in the files of the Attorney-General's office, Washington, for September, 1864.)

<sup>24</sup> Acting Attorney-General T. J. Coffey to R. I. Milton, U. S. Commissioner, Albany, New York, September 2, 1861. (Letter-Book "B 4", Dept. of Justice, p. 147. A series of such letters of instruction was issued to district attorneys and marshals during the same month. The one cited is merely typical.)



very correctness and completeness of the judicial process made it impracticable in a strenuous time when things had to be done quickly, and when a dilatory execution would seem to defeat the whole purpose of the law. It was natural under the circumstances for an impatient general or provost-marshal to take the law into his own hands and by his summary action become involved in disputes with the judiciary. These vigorous men regarded confiscation as a war measure, and proceeded to carry it out as such.<sup>25</sup> It was doubtless the purpose of Congress, however, to guard carefully the exercise of a power so formidable, and one which might be put to so great abuse.

In view of these distracting conditions the lax and irregular enforcement of the acts will not cause surprise. Though a considerable litigation was occasioned, the net results, after deducting the heavy judicial costs,<sup>26</sup> and after allowing for cases dismissed, appealed, "settled without suit", or in which the judgment was entered for the claimant, were almost incredibly small.<sup>27</sup> In New York, \$19,614; in Louisiana, \$67,973; in West Virginia, \$11,000; in Indiana, \$5,737—these sums, so far as mere financial totals can

<sup>25</sup> Instances of conflict between civil and military officers regarding confiscation were not uncommon. A dispute arose over a military seizure of property in Washington belonging to John A. Campbell, Confederate assistant secretary of war. *House Ex. Doc. 44*, 37 Cong., 3 sess. For General Lew Wallace's action in directing extensive military seizures, in Maryland see *Official Record*, third series, IV. 407, 413, 431.

<sup>26</sup> The costs attached to the filing and publication of the libel, and the fees charged by the district attorney, clerk, and marshal, always reduced by a large proportion the balance remaining to the United States. The following case presents a rather striking coincidence, the various items of expense forming a total which corresponds exactly to the amount of the proceeds. Files of U. S. District Court for Indiana, case no. 205, January 17, 1863.

Proceeds of sale (of "credits etc.") .....	\$202.00
Marshal's costs .....	51.36
Marshal's fees .....	63.27
Docket fees .....	40.00
Clerk's costs .....	44.12
Clerk's fees .....	3.25
Balance for United States treasury .....	0.—

<sup>27</sup> An examination of the docket books and files of the federal district court in Indiana reveals 83 cases of confiscation between September, 1862, and May, 1865. Of these, 44 resulted in forfeiture. The property seized was miscellaneous in character, including real estate, credits, cash, judgments in court, commercial stocks, government bonds, cotton, whiskey, a stallion, and a steam-engine. In the District of Columbia, from May, 1863, when condemnations began, to September, 1865, the number of cases docketed was 52, and the number of forfeitures 27. The totals given in the annual reports of the solicitor of the treasury are unsatisfactory, since he combines confiscation suits with forfeitures under non-intercourse regulations, and sometimes with prize cases. See *Finance Reports*, 1863, p. 90, 1864, p. 88.

tell the story, are representative of the extent of the confiscations. According to a report of the solicitor of the Treasury Department dated December 27, 1867, the total proceeds actually paid into the treasury up to that time amounted to the insignificant sum of \$129,680.<sup>28</sup> In comparison with these figures, the confident predictions of the supporters of confiscation in Congress as to the material weakening of the enemy's resources sound strange indeed. This plausible justification, then, of a policy so extreme as that of general confiscation was based on an unfortunate miscalculation. Enough indeed was done to work individual hardship, and to add to the bitter feelings following the war, but the comparatively few transfers of property gave the Union government no material advantage at all sufficient to justify so questionable a war measure. Financially, it may be said, confiscation was a failure, while the other purpose of the act, that of punishing the "rebels", was very unequally accomplished.

In the field of judicial interpretation the confiscation problem proved equally as troublesome as in Congressional debate or in its official enforcement. The relation of confiscation to the rules of international law was, to begin with, the source of continual confusion. When the confiscation policy was under discussion both sides appealed to the law of nations for a support of their claims. As usual in such controversies, much would have been gained if the direct issue had been clearly stated and kept in mind. Freed from its entanglements the question amounts to this: Does the law of nations allow to a belligerent in a public war the right to confiscate whatever property, within reach of its courts, belongs to the enemy? Numerous misapprehensions and inaccuracies, however, entered into the actual discussion of this issue. There was great difference of opinion as to the applicability of the rules of international law to the conflict than waging. Was the struggle to be regarded as a domestic rebellion, or a public war? Were those supporting the Confederate

<sup>28</sup> *Sen. Ex. Doc. 58*, 40 Cong., 2 sess. This report of the solicitor was based upon the financial returns which marshals were required to make to the Treasury Department. The total which it shows does not include the returns in the District of Columbia, amounting to \$33,265, which were deposited in the registry of the court and later restored to the owners. It excludes also the proceeds of the Virginia confiscations, because of the fact that the clerk of the district court of that state was a defaulter to the extent of \$91,579.29. The proceeds of the Kansas cases were not reckoned in for a similar reason. By the addition of such sums as these the net proceeds of confiscation will be seen to approximate \$275,000. (Considerable unpublished material relating to the Virginia confiscations, comprising letters, receipts, depositions, and reports of investigating officers, may be found in the files of the Miscellaneous Division of the Treasury Department, marked "Cotton and Captured Property Record, 1370". Regarding the Kansas cases, see *Osborn v. U. S.*, 91 U. S. 474.)

cause to be treated as rebels or as enemies? In a civil war, is a nation restricted by the rules of international law in its operations against the insurgent power, or may it punish these insurgents by municipal regulations?

But, assuming that the legal character of the Civil War had been determined, a further difficulty remained. There was commonly a failure, in the debates, to discriminate between a general confiscation of property within the jurisdiction of the confiscating government, and the treatment accorded by victorious armies to private property found within the limits of military occupation. Thus the general rule exempting private property on land from the sort of capture which similar property must suffer at sea, was erroneously appealed to as an inhibition upon the right of judicial confiscation.<sup>29</sup> That a military capture on land analogous to prize at sea was not regarded as a legitimate war measure was so obvious and well recognized a principle that it would hardly require a continual reaffirmation. It was a very different matter, however, so far as the law and practice of nations was concerned, for a belligerent to attack through its courts whatever enemy's property might be available within its limits. Where the language was accurate, it was this form of seizure that was contemplated whenever confiscation was claimed as a belligerent right. In this connection much was said about the relation between conqueror and vanquished, which was also beside the point.

When after the war the question of confiscation as a belligerent right was presented to the Supreme Court<sup>30</sup> the legal precedents were various and doubtful.<sup>31</sup> Though the trend of modern usage

<sup>29</sup> Even Dunning, in his *Essays on the Civil War and Reconstruction*, though he treats directly the principles of international law involved in the confiscation policy, gives no place to this distinction between military seizure and judicial confiscation. "In the modern practice of civilized nations", he says, "the general confiscation of enemies' private property is unknown. It is as obsolete as the poisoning of wells in an enemy's country. As a rule, real estate is left to its owners, and movables are appropriated only so far as military necessity, as judged by the commander in the field, seems to demand it." Dunning then continues the discussion, still with reference to the treatment of private property by military officers, and for authority refers to the passage in Halleck which deals not with confiscation by judicial process within the jurisdiction of the confiscating state, but with the treatment of property by generals in military occupation of a part of the enemy's country. See Dunning, *Essays*, pp. 31-32.

<sup>30</sup> *Miller v. U. S.*, 11 Wallace 268.

<sup>31</sup> Among the early authorities on international law whose opinion would carry weight in America, Vattel and Puffendorf favored the milder practice, Burlamaqui and Rutherford did not deal directly with the form of confiscation adopted during the Civil War, while Bynkershoeck was among the few to state in its bald severity the extreme right of the belligerent over the enemy's property. To derive any clear authority for confiscation from these early writers requires

avored the milder practice, the court, without arguing the points of international law involved, rested the justification for the second confiscation act upon the law of nations. The measure was sustained on this broad basis as an "undoubted belligerent right" and was construed as the exercise of a war power, not as a municipal regulation. It is to be observed that there underlay this decision a presumption which had caused much controversy and honest difference of opinion—a presumption which was not rendered less conspicuous by the omission of arguments drawn from the domain of international law. The question was a fair one whether the right of confiscation could be clearly claimed on the basis of the law of nations, and this was a point of much larger importance and greater difficulty than would be indicated by the off-hand assertion of the court that Congress in passing the second confiscation act was exercising "an undoubted belligerent right". It has been an accepted practice in our courts to recognize international law as a "part of our law",<sup>32</sup> and while the judicial branch of the government would not be likely to invalidate a law of Congress on the ground that it

a rather sympathetic editing. Vattel, *Law of Nations* (Luke White ed., Dublin, 1792), bk. III., sec. 76; Puffendorf, *Droit de la Nature et des Gens*, liv. VIII., ch. v., sec. xvii ff.; Burlamaqui, *Principles of Natural and Political Science* (Nugent transl., Boston, 1792), pp. 375 ff.; Rutherford, *Institutes of International Law* (second Am. ed., 1832), ch. ix., *passim*; Bynkershoek, *Quaestiones Juris Publici* (1737), lib. I., ch. 7, p. 175. In the case of *Ware v. Hylton*, 3 Dallas 199, argued before the Supreme Court in 1796, many prominent American jurists of the time expressed opinions upon the right of confiscation. John Marshall, arguing for Virginia's claim to certain British debts sequestered during the Revolution, declared emphatically for the general right of confiscation, but his attitude was that of an advocate not a judge, and his interpretation of the authorities was not infallible. Later, as Chief Justice, Marshall prepared the opinion of the Supreme Court in *Brown v. U. S.* (8 Cranch 110), a case involving the right of the United States government to seize British property found on land at the commencement of the War of 1812. Basing his sweeping conclusion upon the partial citation of authorities submitted by the counsel for the appellant, Marshall wrote: "It may be considered as the opinion of all who have written on the *jus belli*, that war gives the right to confiscate, but does not itself confiscate the property of the enemy." A special act, so the court held, was necessary to authorize such seizures. Story went even further in his dissenting opinion and maintained that the right of confiscation vested at once in the executive on the outbreak of war, without the express provision of any statute. When one seeks the authority which these men quote, however, he is apt to find, in the passage cited, a treatment of capture, or booty, or the levy of contributions—topics quite distinct from confiscation. Story's reference to Puffendorf as a supporter of confiscation is an example of this stretching of the authorities. (8 Cranch 143.) Of the later writers, Kent favored the sterner rule, while Wheaton emphasized the milder practice which, however, he declared to be "not inflexible". Kent (*Comm.*, eleventh ed.), I. 66–67; Wheaton, *International Law* (Boyd ed.), pp. 410, 413.

<sup>32</sup> *Hilton v. Guyot*, 159 U. S. 163; *Ware v. Hylton*, 3 Dallas 281; the *Paquette Habana*, 175 U. S. 700.

violated the rules of international law, it usually takes care to consider these rules as fully as possible, and even to interpret the intent of Congress in the light of such rules. Even though one may not deny the soundness of the position assumed by the Supreme Court, there is still room for the wish that so important a subject had been handled with less superficiality.

When we study the problem of rebel status in relation to confiscation another series of legal tangles emerges. Though the question of such "status" might appear chiefly theoretical and involve much abstract reasoning, yet it seemed an inevitable requirement of the laws of intellect that men who discussed confiscation should have in mind some guiding principle, either expressed or implied, as to the legal standing of persons engaged in the rebellion. In this connection, therefore, the question bore directly upon the larger legal problems which the Civil War called forth. Here arose the same difficulty which presented itself in connection with the treatment of Confederate privateers, the blockading of southern ports, and the non-intercourse laws.<sup>33</sup> In a different phase the question again forced itself upon the attention of the government after the war when reconstruction issues were pending and the policy of pardon and amnesty was urged by the President and opposed by the radicals of Congress.

At first sight the situation would seem to resolve itself into a simple alternative. On the one hand, the severity of the law of treason could be invoked, and the insurgents could be held liable to treatment as criminals. In this case the government would be acting in the capacity of a sovereign punishing its rebellious citizens for their violation of allegiance. Or, on the other hand, the rebellion could be regarded as a public war, and all the privileges and amenities prescribed by the law of nations for the treatment of belligerents could be accorded to the Confederacy. The government, in taking this attitude, would appear to be laying aside its sovereign control over the South, and opposing the Confederate states only as a belligerent would oppose his enemy. The struggle would then be a clash *between governments*, not a conflict of individuals against their government. There was, however, a third possibility which would be most likely to commend itself to an administration guided by a spirit of expediency or practical opportunism rather than of rigid adherence to consistent principles. Instead of selecting one or the other of the two alternatives as an exclusive rule of conduct, the

<sup>33</sup> The well-known work of Professor Dunning, *Essays on the Civil War and Reconstruction*, contains the best general discussion of these legal problems which the writer has found.

government could suit the rule to the occasion, and adopt whichever course might appear most suitable in a given situation. The theory of traitor status was, in the opinion of many, a convenient justification for certain severe measures which were more or less directly contemplated and which could rest on no other accepted principle, as for instance the condemnation after the war of the principal Confederate leaders under domestic criminal law. It became apparent at once, however, that this severe principle could not be adhered to rigidly. In the ordinary conduct of the war it was the *jus belli*, not the *lex talionis* which must govern the armies. In the declaration of blockade and in the treatment of privateers as public enemies instead of pirates, the administration followed the only rational and humane course possible, but in these particulars the insurgents were undoubtedly recognized as belligerents.

So far the way seemed clearly marked out by the plain dictates of reason and humanity, and there was no serious difference of opinion. When the question of confiscation was reached, however, there was no generally conceded principle around which all could unite, and it was in this connection that the difficulty regarding rebel status reached its most acute stage. The subject was beclouded rather than clarified by the debates. On the one hand the rebels were referred to as red-handed, black-hearted pirates, and traitors,<sup>34</sup> unworthy of claiming a single belligerent right. On the other hand they were represented as a regularly constituted governmental power with an organized administration in control, an authorized army in the field, and with all the attributes of a belligerent in a public war.<sup>35</sup>

It remained for the Supreme Court, in a few clear-cut decisions, to present what seems the only practical solution of the problem, by adopting the convenient and flexible principle of the double status of the rebels. In the *Amy Warwick* case Justice Sprague thus expressed the views of the majority of the court: "I am satisfied that the United States as a nation have full and complete belligerent rights, which are in no degree impaired by the fact that their enemies owe allegiance and have superadded the guilt of treason to that

<sup>34</sup> See speeches of Elliot of Massachusetts in the House of Representatives (*Cong. Globe*, 37 Cong., 2 sess., p. 2234), Howard of Michigan (*ibid.*, p. 1717), and Davis of Kentucky (*ibid.*, p. 1759).

<sup>35</sup> The words of Blair of Pennsylvania, who favored confiscation, present a good statement of the principle of belligerent status: "What are our relations to these rebellious people? They are at war with us, having an organized government in the cabinet, and an organized army in the field, and I hold that in the conduct and management of the war on our part we are compelled to act towards them as if they were a foreign Government of a thousand years' existence, between whom and us hostilities have broken out." *Cong. Globe*, 37 Cong., 2 sess., p. 2299.



of unjust war.”<sup>36</sup> A similar expression is that of Justice Grier in the Prize Cases: “The law of nations . . . contains no such anomalous doctrine as that which this court are now for the first time desired to pronounce, to wit: That insurgents who have risen in rebellion against their sovereign, expelled her courts, established a revolutionary government, organized armies, and commenced hostilities, are not *enemies* because they are *traitors*; and a war levied on the government by traitors, in order to dismember and destroy it, is not a *war* because it is an ‘*insurrection*’.”<sup>37</sup> Again, in *Miller v. United States*: “Whatever may be true in regard to a rebellion that does not rise to the magnitude of a war, it must be that when it has become a recognized war those who are engaged in it are to be regarded as enemies.”<sup>38</sup>

With this statement of the broad theoretical problem in mind we may now turn to a detailed phase of the question of rebel status in which its practical application and its bearing upon individual rights stand out clearly. One of the common difficulties confronting the courts in the enforcement of the confiscation acts was to decide whether, in the seizure of property of persons adhering to the rebellion, opportunity should be given to the supposed “rebel” to appear in court and plead his case. On the one hand stood the principle that an enemy has no standing in court, while on the other hand the very nature of the proceeding under the confiscation acts was such that judgment must rest upon a determination of the fact as to whether or not the party was actually engaged in the rebellion—a point on which the owner could claim a right to be heard. Moreover it was ably contended that a quasi-criminal character<sup>39</sup> pertained to confiscation proceedings, requiring the same strict construction of the law in the interest of the accused as belongs to actions brought under a criminal indictment. Such construction

<sup>36</sup> 2 Sprague 123.

<sup>37</sup> 2 Black 670. See also pp. 672 and 673. As to the necessity of some concession of belligerent rights in the case of a formidable rebellion, see *Williams v. Bruffy*, 96 U. S. 187. There the Supreme Court declared that such concessions depend upon “the considerations of justice, humanity, and policy controlling the government”.

<sup>38</sup> 11 Wallace 309.

<sup>39</sup> The Supreme Court is authority for the statement that actions in confiscation were “in no sense criminal proceedings”, and were “not governed by the rules that prevail in respect to indictments or criminal informations”. The only subject of inquiry in such cases, in the opinion of the court, was the liability of the property to confiscation, and persons were referred to only to identify the property. (The Confiscation Cases, 20 Wallace 104–105. In this case there were three dissenting judges.) For a vigorous statement of the view that the confiscations partook largely of the nature of criminal statutes, see Field’s dissenting opinion in *Tyler v. Defrees*, 11 Wallace 331, and Lincoln’s proposed veto message, *Senate Journal*, 37 Cong., 2 sess., July 17, 1862, p. 873.

would certainly not deny to the suspected "rebel" all opportunity whatever of conducting a defense in court.

The practice during the war on this point was uncertain and frequently detrimental to the interests of the accused. In the district court for the eastern district of Virginia a general rule was prescribed which disallowed a hearing in the case of persons adhering to the rebellion.<sup>40</sup> In a case tried before Judge Betts of the southern district of New York in July, 1863, the defendant, a resident of Alabama,<sup>41</sup> duly filed an answer to the allegations set forth in the libel of information against his property, but the judge ordered this answer to be stricken from the files on the ground that the defendant was an "alien enemy", and hence had no *persona standi* in a court of the United States.<sup>42</sup> An able criticism of Judge Betts's position is to be found in the *Annual Cyclopedia* for 1863. The writer points out that if Betts's doctrine was correct "the mere fact of Mr. Wiley's [the defendant's] residence in a southern insurrectionary state precludes him from appearing and contesting the allegations of the libel that he has rendered active aid to the rebellion. . . . Under such a practice every dollar of property owned by Southern citizens in the North, no matter how loyal, need only be seized under an allegation of disloyal practices, and as the accused cannot be heard to deny that allegation, (and if he remains silent no proof of it is required), the whole matter is very summarily disposed of to the great comfort and advantage of the informer, and to the increment of his personal possessions."

This question whether a rebel should have a hearing in a federal court on the issue of the condemnation of his property waited till after the war for its settlement by the Supreme Court. The case was that of *McVeigh v. U. S.*—one of the prominent confiscation cases.<sup>43</sup> In its facts the case resembled that in which Judge Betts had given his radical decision. A libel of information had been filed in the eastern Virginia district to reach certain real and personal property of McVeigh who was charged with having engaged in armed rebellion. McVeigh appeared by counsel, interposed a claim to the property, and filed an answer to the information. By motion of the district attorney, however, the appearance, answer, and claim were stricken from the files for the reason that the respondent was a "resident of the city of Richmond, within the Confederate lines, and a rebel". The property was condemned and ordered to be sold. When the case reached the Supreme Court the

<sup>40</sup> *Semple v. U. S.*, 21 Fed. Cas. 1072.

<sup>41</sup> *Annual Cycl.*, 1863, p. 220.

<sup>42</sup> *Jecker v. Montgomery*, 18 Howard 112, and cases cited.

judgment was reversed, and the action of the district attorney unanimously condemned. The court held that McVeigh's alleged criminality lay at the foundation of the proceeding, and that the questions of his guilt and ownership were therefore fundamental in the case. The order to strike the claim and answer from the files on the ground that McVeigh was a "rebel" amounted to a pre-judgment of the very point in question without a hearing. The court below in issuing this order had acted on the theory that no enemy of the United States could have standing in its courts, but the higher tribunal refused to allow such an application of this principle. On this fundamental question, therefore, the Supreme Court was committed to the proposition that a "rebel" should not be denied the right to a hearing in connection with the seizure of his property by a federal court. Had this conclusion been pronounced early enough to produce uniformity of practice during the war, and had the Supreme Court itself maintained this principle consistently, the advantage of the McVeigh decision would have been far greater than was actually the case.

A problem more fundamental perhaps than any of the above was that which concerned the constitutionality of the confiscation acts. It was not surprising that this legislation which had been enacted against the judgment of many of the ablest thinkers in Congress, which had barely escaped the presidential veto, and which had occasioned the greatest uncertainty in its judicial enforcement, should have to meet sooner or later that peculiar ordeal to which all American laws are liable—the test of constitutionality. The wonder is that the test was deferred so long, for it was not until 1871 that the matter of constitutionality was made a direct issue before the Supreme Court. The case was that of *Miller v. United States*—a proceeding under both of the confiscation acts to forfeit certain shares of railroad stock in two Michigan corporations.<sup>44</sup> The information filed against this stock alleged it to be the property of Samuel Miller, a Virginia "rebel". An essential feature of the case was the fact that Miller had disregarded the notice and the district court in Michigan, without a hearing of the case, had entered a decree of condemnation by default. Miller's attorney complained that the acts of Congress on which the seizure and the condemnation by default had been based were unconstitutional, involving a violation of the fifth and sixth amendments, which have to do with the guarantees of due process of law and of property rights.

The court met the defendant's objections by a liberal reliance on

<sup>44</sup> 11 Wallace 304 ff.

the "war power" and by reference to earlier decisions in which related problems had been settled. The primary question of the nature of the Civil War had been fully treated in the Prize Cases,<sup>45</sup> where the court had defined the conflict as one of sufficient magnitude to give the United States all the rights and powers appropriate to a foreign or national war. The belligerent rights of the United States, then, were not diminished by the fact that the conflict was a civil war. In the same decisions the relation of the Union government to the insurrectionary districts was dealt with, and the rights both of a sovereign and a belligerent were held to belong to the government of the United States. The court proceeded on the basis of these previous decisions to analyze the confiscation acts and defend their constitutionality. The most important problems before the court under the head of constitutionality were: first, to decide under what category to place confiscation, *i. e.*, whether to regard it as the exercise of war power or as a municipal regulation; and second, to deal with the objection that the act violated the fifth and sixth amendments relating to rights of property and of impartial trial. As to the first of these problems the court laid down the doctrine that the confiscation acts were not passed as a municipal regulation but as a war measure. With a tone of certainty which, as we have seen, the precedents hardly warranted, the court declared that "this is and always has been an undoubted belligerent right". Congress had "full power to provide for the seizure and confiscation of any property which the enemy or adherents of the enemy could use for the purpose of maintaining the war against the government". The act of 1861, and the fifth, sixth, and seventh sections of the act of 1862, were therefore construed as an enforcement of the belligerent rights which Congress amply possessed during the Civil War.

Having thus placed the confiscation acts within the category of war measures, the court found little difficulty in meeting the objection that the acts involved a violation of the fifth and sixth amendments. The relevant provisions in these amendments are that no person shall be deprived of his property without due process of law, and that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the state and district wherein the crime shall have been committed. The acts, as we have above noted, permitted judgment on default without a jury trial, without a personal hearing, and without a determination of the facts as to the guilt of the owner. It was admitted by the court that if the purpose of the acts had been to punish

<sup>45</sup> 2 Black 673.

offenses against the sovereignty of the United States, *i. e.*, if they had been criminal statutes enacted under the municipal power of Congress, there would have been force in the objection that Congress had disregarded its constitutional restrictions. Since however the acts were passed in exercise of the war powers of the government, they were held to be unaffected by the limitations fixed by the fifth and sixth amendments.

Three of the judges, Field, Clifford, and Davis, dissented from this opinion. Their grounds of disagreement were that the forfeitures in question were punitive in their nature, being based on the municipal not the war power of Congress, that condemnations must depend on the personal guilt of the owner, that judgments against the property should only result from proceedings *in rem* to ascertain the guilt or innocence of the supposed offender, and that therefore a judgment based on mere default in such cases would amount to a denial of "due process of law". These words of the dissenting judges not only agree exactly with one of the important points in Lincoln's objections, but they harmonize very well with the position of the Supreme Court itself when dealing with the problem whether a "rebel" should have a hearing. We noticed in connection with the McVeigh case that the court insisted upon the necessity of a hearing to determine the question of the owner's alleged rebellion. The dissenting judges in the Miller case were merely applying this same principle to the case of default. It was not even necessary, said the majority of the court, to conduct an *ex parte* hearing after the default. The entry of the default in due form was to be regarded as establishing all the facts averred in the information, as in the case of confession, or of actual conviction on evidence. It was this principle which, according to the minority view, would involve serious judicial usurpation, and "work a complete revolution in our criminal jurisprudence". To the thoughtful student this view of the minority judges seems but a natural protest against an extreme and unjust claim. The dissenting position appears still stronger when it is remembered that the majority judges admitted the incompetency of Congress to allow such judgments as the confiscation acts permitted on the basis of municipal law, and that the "war power" theory was the convenient door of escape from this constitutional difficulty.

The above survey will perhaps be insufficient to convey a complete impression, omitting as it does all reference to the restoration of property, and to the various forms of *virtual* confiscation which

were quite apart from the confiscation acts.<sup>46</sup> It may however suggest the difficulty and uncertainty with which the courts labored in executing these unusual measures. It is often the case with mooted points of law that the period of the greatest diversity of opinion is also the period when the number of cases involved is greatest, and when therefore the pressure upon the judicial authorities is heaviest. In the case of these legal difficulties regarding confiscation their final settlement did not occur until after the war; in some cases so long afterward that the issue was practically dead, and little benefit could be secured from the decisions as guides to the lower tribunals. When during the war we find doubt on such fundamental points as the constitutionality of the law itself, and the question as to whether a rebel could be heard in his own defense, we need no longer wonder that judicial action in these cases was so often unsatisfactory. When in addition to this we remember that during the war both Congress and the courts did their work under heavy pressure, and sometimes in haste and confusion, we can better understand such mistakes and shortcomings as appear in connection with the execution of the confiscation policy. To carry out a war measure by peaceful process is a rather anomalous undertaking, yet this is what the strict judicial enforcement of the confiscation policy amounted to. We must remember, too, that these measures were exceptional, that they could be justified only on extreme grounds, and that they touched human nature in a very weak place.

JAMES G. RANDALL.

<sup>46</sup> Forfeitures under the direct tax levy, for instance, were so conducted as to amount, virtually, to confiscation. For the laws, see: *Stat. at Large*, XII. 294, 422; for a report of the extent of these seizures see: *Cong. Globe*, 42 Cong., 2 sess., p. 3387; for the confiscation of Robert E. Lee's estate at Arlington, Virginia, after the form of a "tax sale", see: *Sen. Misc. Doc. 96*, 43 Cong., 1 sess.; *Cong. Rec.*, 43 Cong., 1 sess., vol. II., pt. 3, p. 2812; 47 Cong., 2 sess., vol. XIV., pt. 3, p. 2680; *ibid.*, pt. 4, p. 3361; case of *U. S. v. Lee*, 106 U. S. 196; *U. S. Stat.*, 47 Cong., 2 sess., ch. 141, p. 584.



## DOCUMENTS

### *Diary of Thomas Ewing, August and September, 1841*

AFTER the dramatic breach between President Tyler and his Cabinet in September, 1841, its members justified themselves by public letters. That of Thomas Ewing, secretary of the treasury, first printed in the *National Intelligencer*, is now most easily found in *Niles' Register*, LXI. 33-34. It appears that it did not rest on memory alone, but that Secretary Ewing, as soon as he scented danger to the relations between President Tyler and the executive advisers inherited from Harrison, in the course which the President was pursuing in regard to the bank act, began to keep a diary of the transactions relative to that and other measures. The manuscript of this diary now belongs to his grandson, Mr. Thomas Ewing of New York City, but a copy of it is possessed by the library of Ohio University at Marietta. To Mr. Ewing and to Mr. C. L. Martzloff of that university we are indebted for the opportunity to print this valuable record, which, as will be seen, contains much information that is not to be found in the letter in *Niles*.

Not all parts of the manuscript printed below are of the same date. The first three paragraphs were prefixed to the diary proper. The grandson of Secretary Ewing states however that, judging from the handwriting, they are of about the same date. The next three paragraphs are in his handwriting of much later date. The essential portion, beginning with the words "On the morning of the 16th August", are plainly contemporary. The last paragraph under September 1 is shown by the handwriting to be a later insertion. Such is also the character of the final three paragraphs.

A full discussion of the whole crisis from the point of view of the President may be found in Dr. Lyon G. Tyler's *Letters and Times of the Tylers*, II. 39-123.

Thomas Ewing (1789-1871) was graduated from the Ohio University in 1815, practised law for several years at Lancaster, Ohio, was a Whig senator from that state 1831-1837, secretary of the treasury March 5-September 13, 1841, secretary of the interior 1849-1850, senator again 1850-1851, and in 1861 a delegate to the Peace Conference, of which Ex-President Tyler was president.

As soon as the election of Genl. Harrison to the Presidency was informally known to him, he addressed me a letter inviting me to take a place in his Cabinet and signifying that the situation of P. M. G. was the one he proposed to offer me.

I had been long aware that public opinion had designated me for this, or some other place in the Cabinet, and though Genl. Harrison had never in the most remote manner hinted at such a thing I had no doubt that it was his purpose to make me the offer. My mind being made up on the subject I accepted, with all due acknowledgments for the honor proposed to be conferred and the frank and generous promptness with which it had been offered me. I communicated this for the present to no one but my wife and my eldest son in whose secrecy I had full confidence, as I deemed it by no means proper that the fact should first transpire through me. In the same letter Genl. Harrison named Mr. Webster as his proposed Secretary of State and public opinion had definitively settled on Mr. Crittenden as Attorney General. Mr. Bell had been much spoken of for the War Department and several other gentlemen were named for other Departments but no one distinctly pointed to by general public opinion.

The Legislature of Ohio met in Columbus on the first Monday in December. The Court in Bank sat at the same time and the Circuit Court shortly after. I was engaged as counsel in many important cases in these courts and necessarily spent several weeks in that city about their trial. Having disposed of them and arranged my private business as well as I was able in so short a time, I set out for Washington and arrived in the City early in February. By this time it was pretty well understood that I was to be a member of the Cabinet, but it was by no means so well settled what particular post I was to fill. The impression became strong and was constantly gathering strength that I should be placed at the head of the Treasury. But in the midst of this uncertainty I was overwhelmed with applications for office in both Departments especially in the Genl. Post Office which had by far the largest share of patronage. For so completely had it become a settled political axiom within the last twelve years, "to the victors belong the spoils", that all men of both parties seemed to suppose that there would be an immediate and universal sweep of all the officers then in place. There was also another reason and a more just one for this opinion of the public and I may say *mandate* of the popular will. It had been the policy of the party just thrust from power, to retain in office none but their *active* political adherents, those who would go for them thorough in all things; and the performance of official duty, was far less requisite to a tenure of office, than electioneering services. Hence the offices had become for the most part filled with brawling offensive political partisans, of a very low moral standard—their official duties performed by substitutes, or not performed at all. Many defalcations and gross speculation constantly occurring among them, it was thought wise and prudent to make many changes and by so doing, to elevate, as far as possible, the official standard and ensure a more faithful execution of official duties.

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General Harrison consulted much with Mr. Webster and myself before announcing his Cabinet. Mr. Webster was made Secretary of State, Ewing Secretary of the Treasury, Bell Secretary of War, Badger

of the Navy, Frank Granger Post Master General and John J. Crittenden Attorney General. There was perfect harmony and good feeling of the members of the Cabinet, with each other, and between them and the leading members of the Whig party generally—but the quiet of the Administration and of the country was greatly disturbed by the sudden death of General Harrison.

Immediately on his demise Mr. Webster dispatched a special messenger to John Tyler the Vice President with the intelligence who in a few days came to Washington and was inaugurated as President. The Cabinet convened to receive him, and he very promptly and courteously requested us all to continue in our then present position as his Council.

An extra session of Congress had been called which met in May. One of their first acts, under the lead of Mr. Clay, was to pass an act to recharter the Bank of the United States, and restore to it the public deposits and fiscal agency, and therein was for the first time disclosed a serious difference between the President and the party who had elected him, including nearly all the members of his Cabinet. The Bank bill was passed early in August, and the President against the advice of his Cabinet determined to veto it. I saw clearly that the Administration was approaching a catastrophe, and on the 16<sup>th</sup> commenced and kept a diary for the month preceding its dissolution. I give it in full as it was then written.

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On the morning of the 16<sup>th</sup> August I called to see the President and found him putting together the Veto Message on the Bank Bill, in order to send it to the Senate. We had some conversation on the subject, and he read to me certain parts of the message, especially that which contained his strictures on the 16<sup>th</sup> fundamental article. While thus engaged Mr. Bell, Secretary of War, came in and joined us in the conversation. It was observed by Mr. Bell, that although the Veto would create a great sensation in Congress yet he thought the minds of our friends much better prepared for it than they were some days ago, and he hoped it would be calmly received, especially as it did not shut out the hope of some Bank. The President replied yes, he thought so—his mind had been made up from the first, and he had delayed his message until now that theirs might become quieted—that really they ought to make no difficulty about it, he had sufficiently indicated in his message what kind of Bank he would approve and they might if they saw fit, pass such a one (which would be more acceptable to the country than this) in three days.

The next day (17<sup>th</sup>) I called and found the President in conversation with Mr. Sergeant of the House and Mr. Berrien of the Senate.<sup>1</sup> I was about to retire but he invited me to sit, observing that the conversation was one to which I should be a party. Those gentlemen had come informally from the Whigs of the two Houses to confer with the President on the subject of a Bank or Fiscal Agent such as might be acceptable to him, and meet the wishes and wants of the Treasury and the country—much was said upon the subject. Mr. Sergeant stated his understanding of that part of the message which recommends agencies, with power to deal in Exchange etc. and wished to have a clear avowal from the President on that subject. The President in reply said that he considered the message sufficiently explicit on that point. That he

<sup>1</sup> John Sergeant of Pennsylvania and Senator John M. Berrien of Georgia.

did not think it became him to draw out a plan of a bank, but he thought it easy to ascertain from the general course of his argument what he would approve. In the course of the conversation I observed that I understood the President to have no objection to a Bank located in the District of Columbia, employing agents in the several States, to perform the services required of it by the Government as a fiscal agent, and incidental to those duties to deal in exchange, and do all other acts which the Bank proposed in the Bill which he had rejected might do except the making of local discounts. To this the President did not object. After continuing the conversation a short time, Messrs. Berrien and Sergeant left us, and I after transacting some official business also departed. The President spoke with some feeling and in a very proper manner of the mob that came the preceding night on his porch to insult him.

On Wednesday the 18<sup>th</sup>, which was the usual day for the meeting of the Cabinet, I went to the President's, and Messrs. Berrien and Sergeant were with him. He did not by either word or manner invite me to join them so I retired into an adjoining room where I was soon joined by Messrs. Webster and Bell. We remained some time, and Mr. Webster saying he had business retired and requested the servant to say to the President that he would come at his summons—after some time he was sent for and returned—but the door of the audience room was still closed and we waited more than an hour before it was opened and we were in the meantime joined by Mr. Badger. At length the President made his appearance—said he had been conversing with gentlemen who professed to come informally as a committee of the Whigs of the two Houses to get his views on the subject of the Bank—that he had doubts of the propriety of conferring with them and that he had stated those doubts to them—said that he had his constitutional advisers about him with whom and with whom only he thought he ought to consult and that having conferred with them his opinions could be made known to gentlemen on the part of the two houses so far as it was proper to communicate it. Having so said he began by asking us whether his views in that respect were correct. Mr. Webster replied that they were the same expressed by Mr. Madison on some occasion (what I do not remember) when he was consulted in like manner. His explanation drew from me the remark that the two cases probably differed in this—that appeared to have been a *committee* of one or both of the Houses *proper*; *this* an informal unofficial deputation of political friends who came to consult with the President informally, to ascertain his opinions that they might if consistent with their own views of the public good, conform to them. But even in that case I saw no impropriety, on the contrary much prudence in the President's proposed course, of consulting with his Cabinet before he committed himself, even informally, to any one. Mr. Webster said the case he referred to was in all these particulars similar to the present and that he thought the President's proposition, to confer with them only through his Cabinet, quite right. To this no one objected except Mr. Badger who saw no objection to this unofficial friendly intercourse between the President and members of the two Houses, for the purpose of exchanging views and endeavoring to come to an understanding on subjects of common interest. This being disposed of the President spoke of the Veto and its effects—expressed his surprise that our friends should be so much dissatisfied with it—

averred he believed it would be the salvation of the party if the Whigs in Congress would take it in a becoming spirit—spoke of the delay in taking the question upon it in the Senate and expressed anxiety as to the tone and temper which the debate would assume there.

*Badger*—Mr. President, I am happy to find on inquiry that the best temper in the world prevails generally in the two Houses on this subject. I believe they are perfectly ready to take up Mr. Ewing's bill and pass it without alteration except in some unimportant particulars.

*President*—Talk not to me of Mr. Ewing's Bill—it contains that odious feature of local discounts which I have repudiated in my message.

*Ewing*—I have no doubt, sir, that the House, having ascertained your views, will pass a bill in conformity to them provided they can be satisfied that it will answer the purposes of the Treasury and relieve the country.

*President*—Cannot my Cabinet see that this is brought about. You must stand by me in this emergency. Cannot you see that such a bill passes Congress as I can sign without inconsistency?

*Ewing*—I think a bill which will meet your views may be introduced into the House of Rep. and pass that body. Of the Senate I am not so certain. If such a bill could pass both bodies speedily and receive your sanction, it would immediately restore harmony here and confidence throughout the nation.

*President*—I care nothing about the Senate—let the Bill pass the House with the understanding that it meets my approbation and the Senate may reject it on their own responsibility if they think best. But what do you understand to be my opinions? State them, so that there may be no misunderstanding.

*Ewing*—I understand you are of opinion that Congress may charter a Bank in the District of Columbia giving it its location here.

*President*—A nod of assent.

*Ewing*—That they may authorize such Bank to establish offices of Discount and Deposit in any of the States with the assent of the States in which they are so established.

*President* (sharply)—Don't name Discounts to me—they have been the source of the most abominable corruptions—and they are wholly unnecessary to enable the Bank to discharge its duties to the country and the Government.

*Ewing*—I am proposing nothing, but simply endeavoring to recapitulate what I have heretofore understood to be your opinions as to the powers which Congress may constitutionally confer on a Bank. I now understand your opinion to be, that they may not confer the power of local discount even with the assent of the States.

*President*—(An expression of assent).

*Ewing*—And I understand you to be of opinion that Congress may authorize such Bank to establish agencies in the several states with power to receive, disburse or transmit the public monies and to deal in Bills of Exchange without the assent of the States.

*The President*—Yes if they be foreign bills or bills drawn in one State and payable in another. That is all the power that is necessary for transmitting the public funds and regulating exchanges and the currency.

*Webster*—I would like such a bill, with power to deal in Exchanges alone, without authority derived from the States, much better than if it



combined the power of Discount with the assent of the States, and the power to deal in exchanges without such assent. I do not think it necessary to give such Bank the power of local discount, in order to enable [it] to perform all its duties to the country and to the government, unless indeed it be essential to the existence of such institution and then it is liable to the objection of attaching one implied power to another which once admitted might be carried to a dangerous extent. And there is an incongruity in performing any of the necessary functions of the general Government by the separate assent of individual States. If that which the U. S. wishes to do be necessary in the discharge of its constitutional duties, it has already the assent of all the States granted in and by the Constitution; if not necessary—there is no right to do it with such assent. That these particular powers are necessary seems to me very clear, for the purpose of safe keeping and transmitting the public monies, for the restoration of a sound currency, regulation of exchanges and especially of commerce between the States—and I believe it will furnish sufficient inducements to capitalists to take the stock.

The President expressed his acquiescence in the views of Mr. Webster—desired that we would see that the Bill should assume that form, and especially urged us to take care that it was placed in the hands of some one in the House who was his friend. Ewing enquired of him whether Mr. Sergeant would be agreeable to him. He replied in the affirmative—wished us in communicating on the subject not to commit him personally, as having agreed to this project; for he was apprehensive it would be made the subject of comparison to his prejudice—but advised us to say that from the Veto Message and from all that we knew of his opinions we inferred that this would be acceptable. He then spoke of the name, which he wished should be so changed that it would not be called a Bank. To this there were some objections, but his wishes were finally acquiesced in. He and Mr. Webster then conversed about the particular wording of the 16<sup>th</sup> fundamental article and agreed as to the form of expression which should introduce the grant of power.

He then requested Messrs. Webster and Ewing to attend to getting it before the House and directed them to prepare for him as soon as practicable an exposition in writing of their opinions upon it. Mr. Bell said to Webster and Ewing—"Gentlemen you have no time to lose—if you do not attend to this today another bill less acceptable may be got up and reported." We were about retiring when the President called Mr. Webster back. He remained a few minutes and then joined us. Messrs. Webster and Ewing then consulted as to the means of carrying out the wishes of the President and it was agreed that Mr. Webster should see Messrs. Berrien and Sergeant who represented the two Houses in this matter and possess them of the plan agreed on; and if they desired it Mr. Ewing would call on them afterwards.

In a short time afterwards I received a note from Mr. Webster stating that Messrs. Berrien and Sergeant wished to see me at Mr. Berrien's chamber at 5 o'clock, at which time I waited upon them. They stated to me that they had conversed with the President that morning and had gathered from his conversation, though he declined to speak in explicit terms, that he was disposed to favor a charter which authorized the dealing in Exchanges through agents in the several States without reference to the assent of the States, but that he had re-



ferred them to his Cabinet after he should have consulted them. They also informed me that Mr. Webster had suggested the particular frame and referred them to me for my concurrence. After full conversation they agreed to present the project, before our political friends, and if agreed to by them in both branches it was to be introduced into the House. It is proper here to note that the President expressed great sensitiveness lest he should be *committed* by anything that he or we should say to a project which would not be accepted by Congress and which would be contrasted with that which he had rejected. And once in the course of the conversation he said he was bewildered—he had no time to collect his thoughts; why could not this thing be postponed to the next session?

The Bill proposed could not be brought into the House until that in the Senate with the President's objections was disposed of. This was done on the 19<sup>th</sup> and Mr. Clay in the discussion made one of his most powerful and happy efforts—extorting expressions of rapturous applause from his most bitter enemies in that body, and thrilling his friends with delight. I was not present and consequently lost this noble intellectual treat, for it is wholly vain for Mr. Clay or any one else to attempt to transfer to paper any just presentment of his lofty and impassioned eloquence. But the President though treated with respect was sorely wounded, particularly by the popular impression which was anything but favorable to him. There was, it is said, in Mr. Clay's manner, an evident restraint and suppression of strong feeling while he spoke directly of the President, his position, his duty to the country, to those who placed him in power, and of his wide and unaccountable departure from all those duties<sup>2</sup> and his forgetfulness of all those obligations—but when Mr. Rives<sup>3</sup> came out in the defence of the President and brought *himself* within the lion's bound, he sprang upon him with unrestrained and unmitigated impetuosity and poured forth upon him the whole torrent of his feelings in the most high toned and powerful invective. I had a report of the speech from Mr. Badger, himself an orator, who dwelt upon it with enthusiastic admiration.

I was taken ill on the night of the 19<sup>th</sup> and did not get about until Saturday, the 21<sup>st</sup>.

<sup>4</sup>Monday, the 23<sup>d</sup>, I called upon the President to transact some business and after conversing with him a few minutes Mr. Granger entered. The President soon introduced the subject of the Bank and his Veto and spoke with much feeling of the violence with which he was attacked and denounced by the Whigs and declared that he looked upon many of them as his very worst enemies. I told him it was what I had all along feared, if no means could be devised by which the Veto could be avoided—that in truth the excitement was not so general or the expression of disapprobation as strong as I had apprehended and endeavored to show him would take place. Mr. Granger said there was much to be considered on both sides, for, said he, "Sir, in every town and village, at the places where you and Genl. Harrison were insulted and denounced last fall, while the Whigs were supporting and defending you—flags are now hung out by your then enemies with Tyler and

<sup>2</sup>Word obscure, but seems to be "duties".

<sup>3</sup>Senator William C. Rives of Virginia.

<sup>4</sup>In the original this paragraph follows the fourth paragraph below. But a clean copy exists, made at some time for Mr. Ewing, in which the order is as herein given.

the Veto inserted on them in large characters—they have their triumphal processions, burn tar barrels, fire cannon and rejoice while the friends who elevated you either retire in silent sorrow or break out in expressions of disappointment or anger.” To this the President replied little and we soon parted.

On Saturday the 21st the President, the Secretary of War and myself went to the Arsenal to see some experiments with improved rockets. In the course of conversation there he threw out very strong intimations that he would probably veto the Bill which had lately been introduced if it should come to him.

Monday the 23d I sent him my argument upon the Bill as it then stood—having in the meantime received a printed copy of the Bill. Mr. Webster’s had been sent up a short time before. The 25th we had Cabinet Council—the President seemed gloomy and depressed—intimated in strong terms that he would not sign the bill and earnestly requested us to get it postponed—said in reply to an expression of doubt on our part that we had got it up easily, we might postpone it as easily if we chose to do it. He seemed earnest and exigent that this should be done.

On the 26<sup>th</sup> I conversed with him again in the presence of Granger. He still earnestly solicited postponement, not as he said because of the political but of the personal difficulties which immediate action upon it would involve.

A meeting of the members of the Cabinet was called at Mr. Webster’s on the evening of the 27<sup>th</sup> to take this matter into consideration. When after much consultation and a full interchange of opinions it was agreed to endeavor to postpone, if we found it could be done by the general assent of the Whigs of the two Houses of Congress.

*Sept. 1.* A short time before the Cabinet meeting today I called on Mr. Webster and found him in conversation with Mr. Rives, who suggested that Mr. Clay had given notice in the evening that the Bank Bill would be taken up this morning, and finally disposed of today. To this he had asked the consent of the opposition, who readily agreed to it. Mr. Rives having left us I asked Mr. Webster if he had seen Mr. Evans<sup>5</sup> to induce him to hold a conversation with Mr. Berrien and if possible get him to postpone the bill until after the passage of the revenue bill as I had requested him last evening. He said he had not. I returned to my office and sent my son to Mr. Evans, and then went to the President’s to Council.

I met Mr. Badger at the door and we went in together. Bell and Granger were both there—the conversation first turned upon some indifferent matters—pertaining to the War Department. The President then examined and sent to the Senate some nominations from the State Department and told me that he had sent up all mine except the Baltimore Appraisers—that they objected to his friend Lester and he was unwilling to give him up. I told him I thought he would not make a good officer but that the names I had sent him were chosen with great care and I thought them unexceptionable. Just before I left him this subject was again adverted to and he said he must do something for Lester—he had but few friends and he must take care of them.<sup>6</sup>

<sup>5</sup> Senator George Evans of Maine.

<sup>6</sup> John Lester was nominated by Tyler as appraiser of merchandise for the port of Baltimore, December 14, 1841. The nomination was confirmed by the Senate, March 29, 1842.

Messrs. Webster and Crittenden came in. A report on the Fortifications was produced and read by Mr. Bell. It was in reply to a resolution of the Senate passed in March last calling for information at the commencement of the (then) next session. It was generally understood that the next session meant the next regular session and Mr. Badger said that on consultation it had been so agreed in Cabinet. I was not present at such agreement or do not remember it, but think the construction right unless the contrary appear in the resolution. The report of Mr. Bell was objected to by all the other members of the Cabinet, because it recognized a probable necessity of hereafter extending our fortifications very greatly—it was thought that he ought to have confined himself to the *present* wants of the country—namely, fortifications of the first class which can be completed at an expense of nine millions.

The Committee of the Senate called and presented several enrolled bills for the President's signature—he signed all except the bill for the distribution of the proceeds of the public Lands—this he read to us—made comments on some parts of it—talked jocosely about a *Veto*—asked our opinion of the clause objected to, which was that which gives 500,000 acres each to the new States for the purpose of internal improvements. I placed that clause upon this ground. The U. S. is exempt from taxation by the States while a great proprietor of lands within the State—all other land holders are taxed for their improvements which greatly enhance the value of the land. The U. S. as a proprietor ought to contribute to that by which it so much profits and this is the mode in which alone it can be done. Having conversed some time on the subject he asked the Atty. General for an opinion on the point.

A few minutes were spent on the mode of paying our Ministers abroad and a question raised as to the value of the pound sterling, on which I agreed to report.

Todd, the new Minister to Russia,<sup>7</sup> called and much was said to him in our presence of the importance of the mission, the precarious state of our relations with England and the necessity of having the aid of Russia in any contest with that power. His (the President's) manner during the session was courteous and kind—not perfectly frank though evidently striving to appear so. I thought the objections to the Land Bill a mere show of reason for keeping it awhile in hand that he might approve it or not as *political expediency* should dictate.

On returning to the Department my son reported that he saw Mr. Evans who had used every effort to postpone the bill, but without success. That Mr. Clay insisted on taking it up—said he was not ready to go on with the Revenue Bill—and that it was understood that the revenue bill should be laid on the table and the Bank bill taken up and disposed of, and he called upon the *opposition* to say if this were not the case—they vouched that it was—a vote was taken—all the Locos but one voted for taking up—13 Whigs against it, and it was taken up and considered—many of the Whigs were much incensed at Mr. Clay's course.

The events of the day caused me much reflection. On the one hand Mr. Clay was evidently hurrying matters to a catastrophe, intending to hasten the new Bank bill upon Mr. Tyler; force him to approve or

<sup>7</sup> Colonel Charles S. Todd of Kentucky, under whom Motley served as secretary of legation.

Veto—in the latter event compel the Cabinet to resign—drive Tyler into the Democratic party<sup>8</sup>—denounce the Administration and make himself as the head of the Whig party an opposition candidate for the Presidency. This opinion was formed from a consideration of previous matters connected with the doings of the day. Should these things take place and should I resign and unite in such a movement, I would be subjected to the imputation of having been a false counsellor to the President—near his person—admitted to his secret councils, and at the same time conniving with and abetting his most bitter adversary in his attempt to overthrow him, and when the movement came in which he was involved inextricably with having abandoned him to his fate and openly joined the enemy.

On the other hand if I should remain in the Cabinet after another Veto through the scene of excitement and in the midst of the denunciation consequent upon it, I would be charged with having abandoned my well known principles and broken up old associations for the love of office. It also seemed certain that some members of the Cabinet would resign. Those who should remain, must be associated with persons whom we did not esteem and whose political principles were adverse to ours. The situation of such of us would be the most unpleasant that could be conceived. We would be made the constant object of attack by the papers on both sides in politics, and probably be at last compelled to resign or be displaced, with injured characters, and minds soured and discontented. What was to be done?

I conversed very freely with Mr. Bell on the evening of this day and compared opinions and impressions with him. He concurred with me entirely as to the difficulty of our situation but declared that he would not resign for a Veto on the Bank Bill—nor in the event of resignation for other cause or removal, would he unite in or consent to the nomination of Mr. Clay, at this time. On the supposition of a Veto on the Land Bill his opinion as well as mine was in favor of Resignation—not because we differed from the President in two important measures but because in both he had been false to us—and because we believed the Veto upon those two bills made the evidence complete, that he betrayed the party by which we were all brought into power and sold himself to the adversary.

In the evening late Granger called on me. We compared notes and concurred in opinion. He said Mr. Clay had lost many friends by the hot haste with which he pressed the Bank Bill forward—spoke of the great imprudence of putting the Bank bill before the revenue bill, if he really desired that the Land Bill should be approved.

<sup>9</sup>On the whole I became satisfied that Mr. Clay was impatient, and unhappy in his then present position. He had been the undisputed leader of the Whig party for many years while they were in a minority and he could not well endure now they were in power, that his supremacy should be questioned or the power over the party divided. He wished submission from the Cabinet—this so far as I and some others were concerned was impossible. I would not even consult with him, after a breach between him and the President took place until after I presented my letter of resignation.

<sup>8</sup> This phrase, "drive Tyler into the Democratic party", is written in Mr. Ewing's hand of a much later date than the rest of the diary.

<sup>9</sup> This paragraph is in Mr. Ewing's handwriting of much later date than the rest.

Sept. 2d. Nothing special occurred. The President, the Cabinet and the chairmen of the committee of Foreign Relations of the Senate and House dined with Mr. Webster. In the course of the evening the President said to me that he had Mr. Selden's<sup>10</sup> views as to the choice of depositories of the public money which he wished to submit to me. That he was very anxious to hold the Treasurer responsible on his bond. He said he understood I had selected the Bank of Commerce in New York, which I told him was the case. He said he wanted to suggest some stipulations and I said I would send him the contract. In the evening we had a large party at Mr. Bell's where the President attended.

I had in the course of the day a long conversation with George Summers,<sup>11</sup> who said the universal opinion was that the Cabinet should hold their places until actually removed by the President. That the country considered us as holding by a higher tenure than merely his appointment, and that a resignation would be considered as an abandonment of the post which Genl. Harrison and the Nation had assigned us, and if the President chose to add this last crowning sin to his already great transgression that it should be his act not ours, *he* should be held responsible for it.

I also conversed during the day with Goode and Stokely members from Ohio and with Alfred Kelly all of whom united strongly in the same opinion.<sup>12</sup> I put the case to them of a Veto on the Bank bill in progress in the house—it was, they said, on the supposition of that Veto they had urged their opinion. I then put the case of a Veto on the Land Bill which would show a clear and fixed purpose to abandon the Whigs and their principles and throw himself into the arms of the opposition. On that they hesitated but inclined to the opinion that we should still hold our places and let *him* do the last crowning act of dismissal which they said would be esteemed by the people a sacrilegious desecration of the memory of the beloved Harrison.

The speech of Mr. Clay in the Senate, this day as reported by Mr. Fletcher Webster<sup>13</sup> was in his happiest manner, and was much spoken of (see the papers).

It was told me in the evening that Mr. Rives had called in the course of the day upon the President and proposed an amendment to the Bank Bill, providing that if any state should expressly dissent, that the corporation thereafter should not be suffered to deal in Exchange within its limits except so far as the wants of the Treasury required—which amendment he, Mr. Rives, was willing to support and that being inserted to vote for the Bill. The President declined having anything to do with the modification and preferred that the Bill should be sent to him in its then present form.

My letter to Luther Barker<sup>14</sup> published in the Madisonian this morning was read and commented upon by Mr. Buchanan in the Senate.

<sup>10</sup> William Selden, treasurer of the United States.

<sup>11</sup> George W. Summers, representative from Virginia.

<sup>12</sup> Patrick G. Goode and Samuel Stokely were representatives from Ohio, Alfred Kelly a man prominent in the management of the state's finances and father of the Ohio Canal.

<sup>13</sup> Son of the Secretary of State, and at this time his private secretary.

<sup>14</sup> Luther D. Barker had been a fellow-student of Mr. Ewing's at Ohio University.



It was spoken of at dinner by Mr. Webster in terms of commendation. The publication of that letter did not, in the opinion of our friends at all strengthen the position of the President.

*Extract from "Madisonian"—Sept. 2d, 1841.*

"The position taken by the President, that the people did not decide in the election of 1840 in favor of any particular scheme of finance, most of our readers will admit has been fully sustained.

"We have received, however, a communication signed by five of our subscribers at Piketown, Ohio, taking a very different view. They state that the issue was presented in Ohio, and decided in favor of a Bank by an immense majority. They are of course hostile to the Veto, and think that nothing will be sound or settled without a Bank. We hope they will be content with this simple notice to their communication. Although they have on their side the aid of the Senator of Kentucky, yet they and he must admit that there is at least room for an honest difference of opinion on the subject. We happen to have before us directly in point, the testimony of a well known, and influential witness from their own State, whose opinion we know they will respect, denouncing the attempt during the election to make the question of a bank the issue between the parties, to be impudent and absurd. We refer to the following letter from the present distinguished head of the Treasury Department."

LANCASTER, July 1840

*My Dear Sir:*

On my return from Columbus this evening I received your letter informing me that, in a speech at Philadelphia, I had said the true question between the parties was a Bank of the United States, and that you from a knowledge of *me* had contradicted the assertion. In this you were of course perfectly safe. I made no such statement but the very contrary. I avowed that the true question was and is the restriction of Executive power. That its encroachments, open and covert, were of the most alarming nature, and if not resisted must end in the subversion of all that is valued in the Republican principles of our Government, and that a gorgon's monarchy in effect if not in name must rise on its ruins. I said that our opponents were attempting to make the question of *Bank* the issue between the parties. I spoke of the *impudence* and *absurdity* of the attempt. That a Bank was not and never had been considered by us as anything more than a matter of convenience a useful article of furniture of our *noble edifice*. That our opponents were gravely raising and debating the question whether this article of furniture was convenient or necessary, Whether we should have a *table* or a *settee* standing in our halls, while its sappers and miners were at work tumbling its walls and columns about our ears. This with amplification and illustrations, is the substance of what I said touching that particular object.

You perceive therefore that you did not mistake my opinion or my language. . . .

Your sincere Friend  
T. EWING

L. D. Barker, Esq.



Sept. 3d. Today I sent the President a copy of my letter of contract with the Banks accompanying it with a note in which I said I would be happy to receive and consider any suggestions which he might choose to offer. I did not call to see him, but understood from Mr. Bell that he was disposed to talk on business merely, but was jocose and cheerful. Several of my friends called today to offer me their counsel, which was uniformly the same as that noted yesterday.

I called to see Mr. Webster and had a long conversation with him. He expressed great anxiety about the condition of things and seemed to anticipate a dissolution of the Cabinet. He said he could not sleep well of nights, for thinking of it—said if he were rich he would not mind it personally, but that he felt great unwillingness at his age to return to the Bar. We agreed that the situation at the head of a department here was enviable, if the President had intellect and was in harmony with his Cabinet and all supported by a good majority in the two houses. Spoke of a resignation in a certain event but desired to ascertain whether the President had been bargaining with the adversary.

Sept. 4th. Called on the President this morning and found Messrs. Bell and Granger with him. Mr. Webster came in soon after.

The conversation turned on the Land Bill which was lying on the table, before the President. He declared that it was his wish to approve it, but he objected to one clause as containing a recognition of the right of Congress to appropriate *land* and therefore *money* to internal improvements which right he denied. He drew up a declaration of his opinion on that subject, which on consultation underwent some modifications—he said he would have it copied in a fair hand and place one copy in the hands of each member of his Cabinet. He asked our opinion as to the *time* of sending up the Land Bill. The Bank Bill was passed and would probably be Vetoed; should he retain the Land Bill and send up both together or send the Land Bill immediately? The latter course was advised and resolved upon, as the more frank and generous—he having known of the passage of the Bank Bill before he approved the other.

The committee on Enrolled Bills came in and brought the Bank Bill to the President and withdrew. He wished to converse with us on the subject in the most perfect confidence—he should probably be compelled to Veto the Bill and he thought of accompanying the Veto with a solemn declaration that he would not be a candidate for the Presidency another term—said he had no ambition except to preserve a pure unsullied reputation, protect the constitution and promote the interests of the country and he thought such declaration would place his motives fairly before the people and disarm those who were assailing him. The members of the Cabinet present did not concur in these views and they were very readily surrendered by the President. He was generally it is true tenacious of his opinions but on this point he showed great deference to the views of his Constitutional advisers. In the course of the conversation he said that he had indited a sentence intended for insertion in his inaugural, expressly declaring that he would not be a candidate for reelection; which he withheld lest its effect should be to turn the batteries of Mr. Clay and his friends on Mr. Webster.

He evidently felt anxious and unhappy. He observed that coming to the Presidency as he did, without being prominent in the canvass, he

rallied no friends around him and had no party. That a singular spectacle was now presented—heretofore if a member of the Administration party abandoned the President he was instantly assailed and certainly prostrated, but now whoever ventured to support the President was as certainly ruined. He talked of his meditated Veto message—said he should criticise the bill with much severity. Mr. Webster thought it imprudent and not entirely consistent with official dignity to do so—that such a paper ought to be calm, elevated and full of dignity. The hope was expressed by some of us that he might yet approve the bill and we parted.

I walked to the Department with Mr. Webster who said we must prepare the public through the press for the event and wished me to call and see him in the morning.

Sept. 5". After reflecting very fully on what occurred at the President's yesterday, I made up my mind that we ought not yet to give up the question or attempt to bring the public mind to an acquiescence in it. I called on Mr. Webster and gave him my views fully which were—

That the President had given him a fine opening for a free and confidential conversation at which he might tell him in the fulness of gratitude and in the sincerity of friendship the whole truth as to his present position—to show him the certain ruin of private reputation and political power consequent upon the contemplated Veto and perhaps induce him to avoid the gulf into which he was about to plunge. Well knowing the motives likely to operate on the mind of the President I suggested to Mr. Webster this course of conversation—

1st. To express his grateful feelings to the President for the friendly consideration of himself (Mr. W.) which had governed his (the President's) action in framing his inaugural.

2d. To speak of his own relations with Mr. Clay, and how and why there was not and could not be cordial amity between them.

3d. To speak of the other members of the Cabinet. Their willingness to support the President against any and all assailants if he would but give them ground to stand upon. That for myself, I was well impressed with the fact that Mr. Clay exacted great sacrifices of his friends and was willing to sacrifice nothing to them. That I was the friend of Mr. Clay as he (the President) had been his friend, but that I would not fail to sustain the Administration to which I belonged against any attack which Mr. Clay might think fit to make upon it. That I would be very far from sacrificing *my own certain present*, to *his contingent future*. That as to Mr. Bell, he was less strongly bound to Mr. Clay than was supposed; that he felt that he had sacrificed enough to Mr. Clay's ambition and that he would be willing to go in cordially with the President if this means were furnished of sustaining himself.

Messrs. Badger and Granger not being friends of Mr. Clay could be the subjects of no jealousy and the presence of Mr. Crittenden as a member of the Cabinet would serve to avert attacks, in the mischief of which, if made he must share.

4th. That he should refer to the suggestions of The President yesterday—that the Cabinet had no power or they could have postponed this bill, and say that circumstances had placed it out of their power to exert their influence in this but that their true strength was tested in getting up and carrying through the House the Bill, which was framed by their suggestion to meet the then expressed views of the President. That

he ought not to forget the circumstances under which that bill was got up and the situation in which we were placed with regard to it. That it did not at first meet the views of the members of either house—the country had not spoken upon it and the House was not willing to pass it until they had the assurance of the Senate that it would pass through that body. On full consultation this assurance was obtained and by our intercession and through our influence—hence after the passage of the bill in the House a few members of the Senate could not consistently with good faith, unite with the Locos and defeat the Bill nor could we in good faith ask them to do it; and it was not strange that the two houses should be unwilling, after passing the Bill through one Branch and finding it not only acceptable, but earnestly desired by the country, to abandon it without being able to render a reason to their constituents for such act. Hence it was not a case to test the influence of his Cabinet.

5th. That he should fully and carefully examine the situation of the President, as to the Bill. His committal in the Veto Message—in his inaugural—in his message to the two houses at the opening of the Session and his conversation to members of Congress, declaring his concurrence in such a bill.

6th. That he should undeceive him as to the supposed powerful effect of the public monies in regulating the currency.

In all this Mr. Webster concurred and wrote a note to the President saying that he would see him tomorrow morning.

The Whig papers from all the West and S. W. today were filled with the most bitter denunciations against the President on account of the first Veto. The signature of the Land Bill drew down upon him heavy animadversions from some of the Locos in the Senate yesterday (conversation between Wise and Beilly Peyton yesterday).<sup>15</sup> And the rumor was rife that the President through Judge Upshur and Alex. Hamilton offered the situation of Attorney-General to McMahon of Baltimore who rejected it with disdain and indignation as a proposed act of treachery to the Whig party.

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After our repeated conversations with the President and modifications to meet his views and remove his objections Mr. Webster and myself felt quite safe in assuring Mr. Berrien and Mr. Sergeant that the bill as we had modified it, if passed by the two Houses would receive his sanction. It was so passed without the change of a word, and when I ascertained that he had Vetoeed it, I parted with a determination never to meet him again as a member of his Cabinet. Indeed I could not feel that my reputation as a man of truth and candor was safe, while I attempted to represent him. I went to my Department and advised him by letter that I would resign on the next Saturday at 12 o'clock. I wrote my letter of resignation—sent him a blank appointment for a suc-

<sup>15</sup> Henry A. Wise, representative from Virginia, and Bailie Peyton of Tennessee, formerly representative from that state. The persons mentioned in the next sentence are Judge Abel P. Upshur of Virginia, afterward Secretary of State, the son of General Alexander Hamilton, and John V. L. McMahon, counsel of the Baltimore and Ohio Railroad and author of *An Historical View of Maryland* (1831). With this next sentence the diary ends. The rest of the manuscript is in Mr. Ewing's handwriting of much later date.

cessor ad interim—caused my letter of resignation to be recorded and dispatched my messenger with it to the President. Just as I was leaving the Department Mr. Webster's messenger came with a request that I would see him immediately. I called and found him at his table with my letter of resignation lying before him—he took it up as if weighing in his hand and asked me if I recognized it—and added, “it is a harsh paper, the President has not read a word of it; he feels kindly towards you, has authorized me to tell you so, and that as you are determined to resign, if you part in friendship he will give your choice of Foreign Missions—think better of it and withdraw this letter.” I told him it was impossible—that my people must know why I left the responsible position in which Genl. Harrison with their concurrence had placed me, that the reasons were set forth in that letter and I had made up my mind to abide by it. He told me he had determined to remain for the present—that there was one important fact stated which I could have got from no one but him—and as it might disturb his relations with the President he wished me to change the sentence and return the paper to him. I went again to the Treasury Department, made the change—had the record corrected and returned the letter.<sup>16</sup>

It was published in the *Intelligencer* Monday morning and caused much sensation.<sup>17</sup> Mr. Webster suffered much by remaining in the Cabinet, with his new associates. It was a mistake from the effects of which he never recovered. My friends who advised me not to resign after the publication of my letter approved what I had done.

Below is a copy taken from the *Intelligencer*. The record in the Department seems to have been destroyed.

<sup>16</sup> In Tyler's *Letters and Times of the Tylers*, II. 122, note, is a story of the receipt of the letter of resignation by the President and of Webster's taking it given in a letter of 1883 by John Tyler, jr., the president's son and private secretary.

<sup>17</sup> Reprinted in *Niles' Register*, LXI. 33-34, and partly in Benton, *Thirty Years' View*, II. 343-345.

## REVIEWS OF BOOKS

### GENERAL BOOKS AND BOOKS OF ANCIENT HISTORY

*Ruins of Desert Cathay: Personal Narrative of Explorations in Central Asia and Westernmost China.* By M. AUREL STEIN. In two volumes. (London: The Macmillan Company. 1912. Pp. xxxviii, 546; xxi, 517.)

EASTERN or Chinese Turkestan has been for the past twenty-five years or so the goal of explorers and archaeologists. Russian, British, Indian, Prussian, and French expeditions, starting from different points, invaded either Khotan, or the great Taklamakan Desert beyond, exploring the physical conditions of the land and excavating its ruined or buried sites. The finds of these expeditions were invariably of the highest interest. The entire country, prior to its subjugation by progressive desert sands, seems to have been a sort of triangular exchange for the civilizations of Western Asia, India, and China. Moreover Graeco-Buddhist art which had established itself in Northwestern India in the wake of Alexander's conquest, during the centuries around the Christian era, passed with Buddhism into the land of the Turks or Uigurs and there blended with Chinese art.

Prior to the Mohammedan conquest Turkestan was a hospitable country which kept its doors wide open. It must have been peculiarly unchauvinistic as to nationality and latitudinarian as to religion. Buddhists from India, Manicheans from Persia, Nestorian Christians from Syria, found there a cordial welcome: the native Khans seem to have adopted from time to time one or the other of the imported religions. Vast literary activity, in a surprising number of languages and a still more surprisingly great variety of scripts, there unfolded itself in the centuries after Christ. Manuscripts on all kind of materials, notably wooden tablets, in Turk, Uigur, Tibetan, Sanskrit and other Indian dialects, Manichean, Persian (Sogdian), Chinese, etc., were dug out entire, or in fragments. One or the other new language, notably the Tokhri or Tocharian, a new, mixed, Indo-European language, came to light. Here is the country, doubtless, in which early Christianity came in direct contact with Hinduism; the many resemblances between Christian and Buddhist belief and institutions (notably monasticism) are, at least in part, to be accounted for by mixtures in this easy flowing channel from the West to the East.

Up to the present time Turkestan discoveries were best known to the English-reading public in consequence of M. A. Stein's expedition of 1900-1901. He published a popular account of that expedition in 1903,

under the title *Sand-buried Ruins of Khotan*. The same intrepid explorer started in 1906 on a two and a half-years' trip which carried him not only through the length and breadth of Chinese Turkestan, but as far east as Kan-Chou, almost in the heart of China—about 1000 miles east of Khotan. The present work contains a very complete account of this journey, abundantly illustrated by maps, photographs, and color plates, which describe excellently the country, the people, the sites, and the countless finds of manuscripts and objects of art and antiquity. Notwithstanding its great size *Ruins of Desert Cathay* is merely a preliminary report, to be followed in due time by elaborate scientific treatises by specialists in the several domains of philology and archaeology.

A brief notice of such a work, containing as it does more than 1000 pages, and modulating the theme on almost every page, is of necessity a mere suggestion. A fairly systematic digest would call for the space of an elaborate article, a task even then not to be shouldered lightly, especially because the interest of the book depends in no small degree on its very abundant illustrations.

Stein's second expedition starts from the valleys of the Indo-Afghan border, across the Hindu Kush up to the cradle of the river Oxus on the Pamir, the "Roof of the World"; then down in the great basin drained by the river Tarim. The expedition skirts and at one time crosses the Taklamakan Desert, with constant excursions to ruined or sand-buried sites. We can dwell here only on some of the chief results.

The first important find was in the rubbish deposits and stable refuse of a sand-buried town on the Niya River, abandoned since the third century A.D. Here were found hundreds of documents on wood, a kind of "wooden stationery", used for legal and governmental purposes. The documents are written every time on rectangular or wedge-form tablets, covered with lids, fastened ingeniously with a string and clay seals, so as to prevent unauthorized manipulation. Some of the tablets bear in sockets sunk into their lids two or three seals; this seems to show that they contain agreements or bonds executed before witnesses. They remind us of the Pompeian tablets, separated though they are by a distance of one-third around the earth.

The writing is one of the most ancient forms of Hindu, known as Kharoshti; the language is a form of Prākṛit, a medieval Hindu language. A frequent introductory formula: *Mahanuava Maharaya lihati*, "His Majesty the Mahārāja orders in writing", shows that the administration of this remote region was carried on in Indian language and script as late as the third century A.D. How much earlier no one knows. Most of the seals are from intaglios of classical workmanship, representing Zeus, or Heracles with club and lion's skin, or Pallas Athene with spear and aegis, just as she jumped out of the head of Jupiter—all importations of the Graeco-Buddhist art of Gandhāra.

The next more important act of the expedition concerns the Miran Fort and its treasures. It lies, deserted, about a day's journey to the



east of the town of Charklik, and is surrounded by Buddhist temples. In the fort itself were found Old Tibetan documents on wood and paper, as well as many important antiquarian objects. From a narrow passage which seems to have served as a sort of archive there emerged a large number of bundles of neatly folded paper wrapped in silk. These were Iranian documents, written in an ancient Aramaic script, spoken in Sogdiana (the region of the present Samarkand and Bokhara); they contain letters which again point to the intimate correspondence between West and East in that remote region. The Buddhist temples about Miran are replete with really wonderful wall-frescoes and remains of colossal Buddha statues in the Graeco-Buddhist style. The style of painting and sculpture, the features of the faces, and the elaborate arrangement of the draperies of the statues, again show that the painters and sculptors of the desert had derived their style through the channel of Gandhāra from far-away classical models.

Stein justly attaches much importance to his discovery and plucky exploration of the long-forgotten westernmost portion of the ancient Chinese frontier wall or *Limes*. Chinese records call it the "Barrier". After crossing the great desert on the track followed by the Venetian Marco Polo to Cathay, as well as by numerous early Chinese pilgrims to India, he came upon the line of the ancient wall with its watch-towers and forts. Following and exploring the wall for a distance of over two hundred miles he found it in a state of astonishing preservation. It was built at that point to guard the chief line of political and commercial communication with Central Asia against the raids of the Huns during the centuries immediately preceding and following the time of Christ. Adjoining one of the towers near Tun-Huang were found abundant dated records beginning with the twenty-sixth year of the emperor who founded the Eastern Han dynasty in 25 A.D. At another point there came to light many antiquarian objects dating back to the year 8 A.D.: a wooden lock with a wooden key; a foot-measure with decimal divisions, an ivory-topped baton, etc. Also a number of records on "wooden stationery" in Chinese, among them two with dates corresponding to the epoch of Christ's birth.

The most dramatic, as well as the most fruitful stage in Stein's progress to Cathay, was that which landed him at the "Caves of the Thousand Buddhas", some ten miles out of Tun-Huang. A huge pile of troglodytic grottoes, hundreds in number, here honeycomb the side of a rock, some high, some low, perched one above the other without any order or arrangement in stories. Instead of having been, as might be suspected, a sort of bee-hive for Buddhist recluses, they proved one and all to have been tenanted by images of the "Enlightened One" himself. All these grottoes are shrines full of frescoes and statuary of very great archaeological and artistic interest. Stein describes and illustrates these with great care. But his real feat at the Caves lay in discovering and rifling the great Caves library. This was in charge of a pious Chinese

priest, Wang Tao-Shi, who knew enough about its value to induce him to shut it off with a brick wall. Stein cleverly played off his appreciation of the famous Chinese Buddhist pilgrim to India, Hsüan-Tsang, so as to establish a bond of sympathy between himself and Wang, by placing himself in the light of another such pious devotee and admirer of the Buddha. When he succeeded in catching the first glimpse of the library, it appeared as a solid mass of bundles of manuscripts and votive paintings on silk, rising from the floor to a height of ten feet and filling, as was found later, about five hundred cubic feet. The collection had lain buried in its rock chapel for centuries, and had been espied by Wang Tao-Shi through a crack in a closed up chamber. This Wang afterwards further fortified with a brick wall in front of the crack.

Stein's story of how he parleyed and fenced with the Tao-Shi in order to induce him first to show, and later on to put aside, "for further inspection", the most promising of the manuscripts makes very good reading indeed. In the end a sort of system of transfer precipitated itself. For seven nights Stein's own Chinese assistant, Chiang-ssu-yeh, also a scholar zealous in the same cause, came to his tent when everybody had gone to sleep, "his slight figure panting under loads which grew each time heavier, and ultimately required carriage by instalments". And with it all Stein kept the good Tao-Shi, though he was not altogether averse to bakshish, in the belief that he was really performing a pious deed from his own point of view. Stein's haul consisted of twenty-four cases of manuscripts written in Sanskrit, Central Asiatic Brahmi, Sogdian, Manichean Turkish, Runic Turkish, Uigur, Tibetan, and Chinese; also five cases of votive paintings and embroideries. One single manuscript in Brahmi writing, an hitherto unknown language, is upon a gigantic roll of paper, over seventy feet long, and a foot wide. The find at the "Caves of the Thousand Buddhas" represents, perhaps, the most important single act in Turkestan exploration. It will require years to elaborate all its results for Central Asiatic history, philology, and art.

On the return voyage the expedition passed across the great mountain range of the Kun-lun into Khotan and Keriya, at a height of 20,000 feet. Here Stein had the misfortune to lose the toes of his right foot through frost-bite, and had to have himself carried, a helpless invalid, for a distance of three hundred miles. Naïvely he says, that he was comforted by the thought that he had carried out his programme, the visible results of which appeared later on in the shape of one hundred cases of antiquities which reached the British Museum in safety.

MAURICE BLOOMFIELD.

*South American Archaeology.* An Introduction to the Archaeology of the South American Continent with special Reference to the Early History of Peru. By THOMAS ATHOL JOYCE, Assistant of the British Museum. (New York: G. P. Putnam's Sons. 1912. Pp. xv, 292.)

STUDENTS of South American archaeology have long been in need of a book dealing with all the complicated problems of that subject. In the past only limited areas were dealt with and very little attempt was made in the way of classification of objects or in limiting the extent of cultures. The work in hand therefore fulfils a long-felt want as far as it is possible to do so in the present state of knowledge. Mr. Joyce has succeeded admirably in giving a comprehensive view of the whole field and where possible has explained and classified the details of the different cultures. Any classification must necessarily be inadequate because of the many gaps. No one area has been thoroughly explored and in many regions nothing whatever has been done.

The work limits itself to the continent of South America and commences with the region of Colombia. Four cultures are here described: 1st, that of the agriculturists of Antioquia in the north; 2nd, that of the gold workers, the Quimbaya, in the south; 3rd, that of the Coconuco in the west; 4th, that found in the highlands, where the Chibchas had developed a higher civilization than the rest of the Colombians. Religions and customs are described in some detail so that the arts and crafts may be understood.

In Ecuador there existed a state politically more advanced than the Chibchas but inferior to that of the Inca by whom it was later conquered. The Cara made alliances with other tribes but these loose bonds broke under the Inca invasion. The origin of the mountain culture is difficult to explain. The tradition of the arrival of a tribe at Lambayeque, in Peru, which migrated up the coast and later into the interior, probably has some basis in fact. The work of the Heye expedition in Manabi and Esmeraldas gives a good idea of the coast culture. Evidence of Inca occupation is found as far north as the river Ancasmayu.

Three-fourths of the whole book is given up to the Peruvians and their influence: the Empire, Government, Daily Life and Occupations, Burial and Religion, Sequence of Cultures, Arts and Crafts, and the Southern Provinces. This region was pretty thoroughly covered by Sir Clements Markham in his recent book *The Incas of Peru*. Dr. Max Uhle is given full credit for his splendid work and his classification of cultures is for the most part adopted. Abundant evidence is presented to prove the influence of the Peruvian culture in Argentina and Chile.

In the southern Andes and plains there is found a lower culture characterized by individual freedom and equality. The dominating tribe, the Araucanians, were a spirited people who maintained themselves against the encroachment of the Incas and the Spaniards as well. In the Patagonian area implements of palaeolithic type have been found associated with the remains of extinct animals. This may prove the recent extinction of these animals rather than the great age of man.

The chapter on the east and central regions brings together the little archaeological material available. The territory is now occupied by the Ges, Tupi, Carib, and Arawak stocks, but it is impossible to determine

which of these, if any, were responsible for the earlier cultures revealed in the shell-heaps and mounds.

The work concludes with a bibliography and a summary of the localities in which investigation is especially required. The book is well written and profusely illustrated. Those interested will find it a valuable contribution.

WILLIAM CURTIS FARABEE.

*The Periplus of the Erythraean Sea: Travel and Trade in the Indian Ocean by a Merchant of the First Century.* Translated from the Greek and annotated by WILFRED H. SCHOFF, A.M., Secretary of the Commercial Museum, Philadelphia. (New York, London, Bombay, and Calcutta: Longmans, Green, and Company. 1912. Pp. 323.)

IN placing at the disposition of English readers this first-century account of the voyage down the Red Sea and coastwise to the eastern shores of India, by an unknown Egyptian merchant writing in Greek, the author has performed a valuable service. His version of the Greek, though profiting especially by the German rendering of Fabricius, is, on the whole, superior to his predecessor's. He has shown great industry in collecting the references from the widely scattered ancient and modern sources from which his copious commentary is drawn.

The *Periplus* largely consists of lists of geographical names and commercial products of the eastern world. It is an itinerary and an invoice combined. It would be impossible to discuss here the long array of highly specialized questions, which the author has been obliged to take up in his discussions. Archaeologically they occasionally fall short. To quote Pliny's childish story as a sufficient authority on the question of the origin of glass (p. 68), when we now know that glass emerged on the Nile some three thousand five hundred years before Pliny was born, will do in Wendell Phillips's lecture on the Lost Arts (where Pliny's story really does figure), but is entirely insufficient in a modern commentary on the *Periplus*. A few words from the last edition of the *Britannica* would have set this matter right if the standard treatises on glass were inaccessible to the author. Again we have Pliny quoted to show that "the method of weaving cloth with more than two threads [of different color] was invented at Alexandria". This is the art of tapestry which was practised in Egypt over a thousand years before Alexandria was founded. We have a beautiful specimen from the reign of Amenhotep II. (fifteenth century B.C.).

In the discussion of cotton (p. 71) it would be well to note that tree-cotton (*Gossypium arboreum*) was cultivated in Assyria as early as the seventh century B.C., when the importation of the trees is a matter of royal record. Sayce's statement that cotton was exported from India to Babylonia in the fourth millennium B.C. is of course based on the old and obsolete chronologies of early Babylonia. It is now evident that we know nothing of Babylonia in the fourth millennium.

The later developments in the study of Oriental history seem not to have been accessible to the author. Movers is an obsolete and dangerous source to employ for Phoenicia, while the contributions of Hommel on the history of the Orient are of very dubious standing, especially his fantastic theories of Kush, cited by the author on page 134. Similarly, to date the appearance of tin in the Mediterranean "soon after the migration of the Phoenicians to Syria" (p. 77) is simply to say that we do not know when it appeared there, for certainly we do not know when the Phoenician migration to Syria took place.

In discussing the situation of the Biblical Land of Ophir the author very properly notes and discredits the attempts of the last forty years to find it in South Africa, especially Rhodesia. It would be well to add to his remarks on this subject some notice of the appearance of Dr. Carl Peters's book, *Im Goldland des Altertums* (Munich, 1902), which places the Egyptian Land of Punt (undoubtedly the Biblical Ophir) on the Zambesi, and backs up the identification with a mortuary statuette of the Pharaoh Thutmose III., found by one of Dr. Peters's friends in northeastern Mashonaland. No less an authority than Professor Flinders Petrie has vouched for the genuineness of the statuette in writing. Nevertheless the fact that the piece is a crude modern forgery has been demonstrated by Professor Heinrich Schaefer, who has even identified the workshop from which it issued (*Zeitschrift für Ethnologie*, Heft 6, pp. 896-904, Tafel X., XI., and XII., 1906).

It is unfortunate that the author's commentary (pp. 218, 270-271) has introduced further uncertainty as to the situation of this land of Punt, the earliest known source of incense. He transfers it from the African to the Asiatic mainland on the basis of a single precarious botanical identification, namely that of the trees of Punt (depicted in Egyptian reliefs) with the frankincense trees of the south Arabian Dhofar. The highly conventionalized drawings of botanical specimens by the Egyptians render such an identification, involving such serious results as the author draws, very uncertain indeed. Whether we should translate "myrrh" or "frankincense" is a difficult matter to determine, as such designations in the ancient Oriental world are notoriously unprecise. There is too much uncertainty in such terms to furnish a basis for conclusive argument. The only scientific basis for determining the situation of this earliest incense land is the entire ancient list of its flora and fauna, not *one specimen* selected at random. There is not space here to do this, but when we note that Punt furnished ebony, ivory, gold, panther skins, and giraffes, the conclusion is unavoidable that it lay in Africa. Giraffes are not found in Asia.

The author is correct in his conjecture of a Buto in the eastern desert (p. 132). He will find it mentioned on Seti I.'s march from the Delta into Palestine (see Breasted, *Ancient Records*, vol. III., par. 100).

It seems very regrettable that so valuable a book should not have

been accompanied by an adequate map. The map appended is on a scale so small that in many cases it proves entirely insufficient. It is moreover a lamentable specimen of the map-maker's art.

Finally, let it be said that these criticisms are intended in no way to reflect upon the value of a book, into which so much industry and conscientious work have gone. It will undoubtedly become, and deservedly, the standard edition in English, of this indispensable source for the study of the earliest history of commerce between the East and West.

JAMES HENRY BREASTED.

#### BOOKS OF MEDIEVAL AND MODERN EUROPEAN HISTORY

*A History of the Eastern Roman Empire from the Fall of Irene to the Accession of Basil I.* (A. D. 802–867.) By J. B. BURY, Regius Professor of Modern History and Fellow of King's College, Cambridge. (London and New York: The Macmillan Company. 1912. Pp. xv, 530.)

THIS is a continuation of the author's well-known *History of the Later Roman Empire from Arcadius to Irene*. It is on a larger scale and the history of this later period is treated more exhaustively. The first five chapters, about two-fifths of the text, deal with the reigns of the successive emperors, beginning with the fall of Irene and closing with the murder of Michael III. It is characteristic of Byzantine history that the period should be included between two palace revolutions. These chapters are largely concerned with the iconoclastic struggle, and of the remaining nine chapters, two are devoted to ecclesiastical subjects: Photius and Ignatius, and the Conversion of Slavs and Bulgarians. Five chapters treat of the relations with the Saracens, the Western Empire and Venice, Bulgaria, and the Empire of the Khazars and the Peoples of the North. The other two discuss financial and military administration, and art, learning, and education in the Amorian period.

It is scarcely necessary to state that the work is excellent; the author's fitness for the task is well known. But it is interesting to note in the bibliography a dozen titles of articles and monographs by him, dealing with such different subjects as criticism of source material, chronology, topography, and constitutional and administrative topics. There are also twelve appendixes to this volume, mainly devoted to criticism of original material or clearing up difficult points in chronology. The author's exact and minute knowledge has enabled him to correct many errors of fact in the work of his predecessors. The bibliography contains over three hundred titles of books and articles, about evenly divided between sources and secondary material, and this does not include all the titles cited in the notes. Apparently nothing of importance has been overlooked. There is an excellent English index and a Greek index.



Bury thinks that "there has been a certain failure to comprehend the significance of the Amorion dynasty", and hopes "that this volume may help to bring into relief the fact that the Amorion age meant a new phase in Byzantine culture". Acknowledging his indebtedness to Diehl's brilliant work, he shows "that the iconoclastic age was far from being inartistic", and that "for the second great period of her art, which coincided with the Macedonian dynasty, Byzantium was chiefly indebted to the iconoclastic sovereigns". There was a revival of learning in the field of philosophy and science, probably due to some extent to the "stimulating influence of Baghdad upon Byzantium and emulation between these two seats of culture". The University of Constantinople was revived by Bardas, either as the result or a cause of the "genuine revival of higher education and a new birth of enthusiasm for secular knowledge". "Photius gave an impulse to classical learning, which ensured its cultivation among the Greeks till the fall of Constantinople."

In reading this volume we can not forget Bury's admirable edition of Gibbon; the editor seems to be the spiritual heir of the eighteenth-century scholar. Gibbon might have written some of the passages in this book: *e. g.*, "In either case, those who stand outside the Churches may find some entertainment in an edifying ecclesiastical scandal"; "The historian, who is not concerned, even if he were qualified, to examine the mutual relations which exist among the august persons of the Trinity"; "Since we may venture to suspect that the majority of those who profess a firm belief in the double procession [of the Holy Ghost] attach as little significance to the formula which they pronounce as if they declared their faith in a fourth dimension of space".

The portions of the work which deal with financial subjects are the least satisfactory. The author states sums of money usually in English currency, taking as the equivalent of a pound of gold £43 4 s. Even when he adds that the purchasing power was about five times as great as at the present day, the statement is misleading; it is impossible to furnish a clear standard of comparison by any such rough and ready method. Much worse, however, is his statement, "We have some figures bearing on the revenue in the twelfth century, and they supply a basis for a minimum estimate of the income in the ninth, when the State was stronger and richer." Will some future historian attempt to estimate the income of Charles V. by using the financial statements of Spain in the nineteenth century?

DANA C. MUNRO.

*Saint Francis of Assisi: a Biography.* By JOHANNES JØRGENSEN.

Translated from the Danish by T. O'CONOR SLOANE, Ph.D.  
(New York, London, Bombay, and Calcutta: Longmans, Green,  
and Company. 1912. Pp. xv, 428.)

THE large literature in English dealing with St. Francis of Assisi has received an addition of first-rate importance in the volume before

us. It contains a translation from the Danish of a biography which, published in 1906, has already been translated into several other languages. The author, Johannes Jørgensen, a writer of renown in his own country, has had exceptional facilities for studying the life of St. Francis and he has produced a most complete and satisfactory account of the saint's career as a whole. Dr. Sloane has placed all students of the subject under obligations to him for his present version of Jørgensen's biography. As a piece of translation his rendering of the Danish is deserving of the highest praise. There are, however, some places where the work shows signs of haste. In transferring to the end of the volume the important chapter on the sources of the history of St. Francis, which in the original work serves as an introduction, more care ought to have been taken to make the references in this chapter correspond with its changed position. For example, on page 350 the Rule of the Poor Clares and of the Third Order "*will be* spoken of in the proper place" should read "*have been* spoken of". The meaning of note 3 on page 175 is hopelessly obscured for want of the word "different" or its equivalent after "essentially". Jørgensen, I am sure, does not mean to say that St. Bonaventure "took orders" when seventeen as is said (p. 378) but far rather that he "entered the Order", i. e., became a Franciscan, at that age. There are other mistranslations which seem to indicate that Dr. Sloane is not altogether familiar with early Franciscan phraseology in English—as if he did not know his subject otherwise than in Jørgensen. Thus, "Order of Smaller Brothers" (p. 101) is hardly a happy rendering of "Ordo Fratrum Minorum"; the "Order of Friars Minor" has been the recognized English form for nearly seven centuries. Again, "the Three Brothers' Legend" (p. 384) is certainly not an accurate translation of "Legenda Trium Sociorum" nor is "the Sun Song" (p. 342) quite equivalent to "Canticum Solis"; "Legend of the Three Companions" and "Canticle of the Sun" are the forms always used. So also "Inspector" (p. 206, n. 4) should be "Visitor" and "Mark Ancona" (p. 398 and elsewhere) should be "March of Ancona". There is another slip on page 400, note 1, where "Vienna Council" should read "Council of Vienne". For "St. Anthony of Florence" (p. 401) read "St. Antoninus", whose name is given on page 27 as "Antonin", though this is scarcely more correct as a translation of "Antoninus" than "Hugolin" *passim* is for "Hugolinus"; both these are Latin names which do not lend themselves to translation. And why, if "Peregrinus" is rendered "Pilgrim" on page 397, is "Pacificus", page 155, not rendered "Peaceful"? The latter name has not been translated; neither should the former one be. The same holds good of "Ubertino da Casale" which is given (p. 388) as "Ubertius" or "Hubert"—a form which, I think, never occurs. "Alverna" (p. 395) and "La Verna" (p. 401); "Anonymus Perusinus" (p. 367) and "the Anonymous of Perugia" (p. 402); "Van Ortroy" (p. 405) and "V. Ortroy" (p. 406) are some

instances of lack of uniformity, while "Jacques de Vitry" is sometimes (pp. 163 and 403) left in its French form; elsewhere it is given as "Jacob of Vitry". Surely, "James" is preferable to "Jacob" in English. Hence "Jacob of Varaggio" (p. 401) should read "Jacobus de Voragine" or "James of Voragine". Moreover, "John Cantius" (p. 355) should be "John of Kent". "Bessa" and "Clara" *passim* are not English and should be rendered "Besse" and "Clare". Several small inaccuracies in spelling also strike the eye such as "Marni" (p. 106) for "Narni"; "Ricetius" (p. 235, n. 1, and index, p. 419) for "Ricerius" (whose name is rightly given p. 102); "Jago" (p. 108) for "Iago"; "Chaving" (p. 402) for "Chavin"; "Golubvich" (p. 405) for "Golubovich"; "Paplebroch" (p. 367) and "Päplebrock", as the index has it (p. 427) for "Papebroch", etc. The date of the *Specchio di Perfezione* should be 1899 not 1889. These and similar specks do not, of course, seriously detract from the value of Dr. Sloane's translation which, taken as a whole, is elegant and exact. A full and accurate index enhances his volume in which the work of the publishers has been admirably done.

PASCHAL ROBINSON.

*Les Papes d'Avignon, 1305-1378.* Par G. MOLLAT. [Bibliothèque de l'Enseignement de l'Histoire Ecclésiastique.] (Paris: Victor Lecoffre, J. Gabalda. 1912. Pp. xv, 423.)

THE popes of Avignon have suffered much from historians who have passed on, with little critical examination, the views expressed in the writings of prejudiced contemporaries. Partly because of such treatment the prevailing judgment has been unfavorable to these popes. Research has not yet reached the stage where the accuracy of this opinion can be settled definitively, but it is now possible to make alterations in many important particulars. During the last thirty years the investigation by students of the sources made available by the opening of the Vatican Archives has resulted in the publication of a mass of documentary material and numerous monographs and papers. Many widely accepted views, such as Villani's story of the immense treasure left by John XXII. at his death, have been proved erroneous, and a great number of new facts have been established. A revision of this portion of papal history in the light of these recent discoveries is the contribution of M. Mollat in the present volume.

The work is divided into three parts. The first, occupying about a quarter of the book, contains short biographical sketches of the seven popes who resided at Avignon. The personalities of the different popes are delineated with a discriminating insight that produces excellent portraits, and the work and influence of each as head of the Church is described sympathetically but impartially. In the second portion, to which nearly half the book is given, the intricate windings of the political and diplomatic relations of the papacy with the principal

countries of Europe are traced in a generally commendable manner.

The author displays a wide acquaintance with papal sources and monographic literature but sometimes fails to take sufficient account of local sources. This defect is most noticeable in the chapter on England. Some of the best English sources are cited, but they do not appear to have been thoroughly used, while other sources, such as the many recently published episcopal registers, are not mentioned. This results in occasional slight errors and some important omissions. It is not true, for example, that Edward II. paid the royal tribute regularly after 1313 (p. 277), and the relations between Edward II. and John XXII. can scarcely be brought into the proper perspective without consideration of the several clerical tenths granted by the pope to the king from a recalcitrant national clergy. In the third section there is a rapid survey of the composition and life of the papal court and household, the organization and work of the administrative services, the position of the cardinals, and the centralization of the church, which is a concise summary of the recent publications on these subjects. The volume is supplied with bibliographies, which, despite the omission of a few obvious titles, constitute a fairly comprehensive guide to the recently published sources and literature.

In the last pages a few conclusions are stated which indicate in a measure the general tone of the book. In the author's opinion, although papal policy on some questions and under certain popes, such as Clement V. and Benedict XII., was shaped to accord with the wishes of the French kings, yet it was in the main independent. The prolonged sojourn outside of Italy was necessitated by a state of political anarchy, and had been presaged by half a century during which the popes rarely resided in Rome. Throughout the period the papacy pursued steadily the object of recovering the papal states, and the vast expenditures caused by this policy furnishes an explanation, and in a certain measure an excuse, for the fiscal policy (pp. 400-401).

On the whole M. Mollat has performed the difficult task of revising our knowledge of the popes of Avignon admirably. Both the general reader and the historical student will find the book useful and interesting.

W. E. LUNT.

*La Vita e gli Scritti di Niccolò Machiavelli nella loro Relazione col Machiavellismo.* Storia ed Esame Critico di ORESTE TOMMASINI. Volume II., parte I. e II. (Rome: Ermanno Loescher Compagnia. 1911. Pp. xxvi, 964; 965-1473.)

IN 1869, at the four-hundredth anniversary of the birth of Machiavelli, the first volume of Oreste Tommasini's work in manuscript took the prize offered by the city of Florence. In 1883, after the author had replaced his notes and references destroyed in a fire, it appeared in print in a volume of 750 pages. In 1911, twenty-eight years after the

first volume, forty-two years after the award of the prize, the work is completed by 1000 pages of text and notes and 500 pages of appendixes and technical apparatus.

During this lapse of years the author has read widely from Gemistus to Mark Twain and has traversed a very wide circle of thought; but the centre of the huge circumference has always seemed to him Machiavelli. In consequence, when he starts toward his centre, the line by which he travels is sometimes very long. For example, in the section Machiavelli and Religious Thought, he writes 167 pages crowded with foot-notes in the smallest print before he says: "At this point it appears proper to stop because we seem to have arrived at a position where we can make clear . . . Machiavelli's thought in regard to the religious motives which troubled the age in which he lived."

In traversing these long lines which lead from the wide range of over forty years of thought to Machiavelli, the judgments and observations through which the author passes are not all of equal value. The reader wonders, for instance, just what Signor Tommasini meant by the suggestion that Cromwell and Robespierre understood the Divinity in the same way, as a Divinity to be honored above all by deeds. But in proportion as any one of these long lines of thought draws near to the common centre, Machiavelli, the writer becomes authoritative, lucid, and interesting, his judgments are personal and scientific, based on a knowledge of the sources examined with skill and a just and critical judgment. It is true he holds a brief for Machiavelli and feels bound to demonstrate that none of the moral reprobation which has attached itself to Machiavelli really belonged to the great Florentine. How could it be otherwise? For fifty years the author has been thinking of Machiavelli with the last chapter of the *Prince*, one of the purest pieces of eloquence in literature, as a centre of his thought and, during that time, he has seen Machiavelli's great vision of an Italy united and free, wrought out not by one man who was "the ultra logical offspring of the deplorable conditions of the sixteenth century", but by "virtuous consent, warm and passionate, of the whole nation", gathering voluntarily not around one "who dragged and drove the people in order to lead them to independence", but about an "Elect Person whom they loved because he loved Italy, whom they held sacred because he held his word sacred, to whom the gates of cities and castles opened because gentlemen and people were brought into one harmonious body before the equality of the laws".

But though the author holds a brief, he pleads it like a trained historian with a wide and deep knowledge of the facts based upon long study, and his complete work will hold the place assigned to its first part twenty-five years ago by Victor Waille in *Machiavel en France* alongside that of Villari as one of the "monuments of patriotism as well as of science".

The defects of organization pointed out by the *Revue Historique* in

the first volume, the occasional obscurity of style, the excessive verbosity and over-fondness for metaphor noted in 1883 by Professor Pelligrini, have not been entirely overcome, but the work is a great storehouse of information and illuminative judgments on the life and writings of Machiavelli, and the analytical index of sixty double-column pages in small type facilitates its use for those who may be alarmed by the involution of some of its huge sentences and the length of the introductory pages which lead up to the discussion of many of its points.

PAUL VAN DYKE.

*The Early English Dissenters in the Light of Recent Research, 1550-1641.* By CHAMPLIN BURRAGE, Hon. M.A., B.Litt. In two volumes. (Cambridge: The University Press. 1912. Pp. xx, 379; xvi, 353.)

No American scholar has done so much in recent years to illuminate the beginnings of the religious movements which ultimately influenced New England as has Mr. Champlin Burrage. His discoveries and investigations concerning Robert Browne have remade the portrait of that early Congregationalist. John Robinson is better understood, thanks to his work. The origin and development of the church covenant idea has been made more evident by his researches. It is, therefore, with anticipation of fresh material of value that one takes up the two volumes issued in the handsome form adopted by the Cambridge University Press, nor is the expectation disappointed.

Mr. Burrage's work was originally prepared in 1908 as part of the requirements for the degree of Bachelor of Literature, which he received from the University of Oxford. It is no exhaustive history of early dissent, and its author intends it as but "the first section of a larger treatise" which he has in preparation. He "has sought as much as possible to limit himself to the discussion of points which have not been previously treated, or which appear to have been handled with insufficient care". His method of presentation is one volume of history and criticism and a second made up of a painstakingly printed collection of illustrative documents, many of them heretofore unknown or of great rarity.

Mr. Burrage gives a valuable introduction, outlining the development of scholarly studies in the field of his investigation and estimating critically the literature to the present. He also indicates the principal collections of manuscripts and books wherein research may be conducted. A feature of convenience to the reviewer or the reader anxious to gain a rapid acquaintance with the scope of his work and the principal results of his researches is an epitome made up of some sixty-four "notes" in which the chief contentions and conclusions of his studies are summarized.

Mr. Burrage makes it abundantly evident that while an instance of the tenure of Baptist convictions may be found among native English-



men, as in the case of Robert Cooche, as early as 1550 or 1551, the first group of English Baptists which had any semblance of a congregation had its beginnings, probably under Continental Anabaptist influence, in Francis Johnson's exiled congregation, apparently at Campen, in Holland, about 1594. The first Baptist congregation to be settled in England was that of Helwys and Murton in 1611 or 1612. Regarding the erratic but high-minded John Smyth, Mr. Burrage has much to say that is of value; but he finds him "not such a unique figure in Church history as Dr. Dexter and Mr. Arber would have us believe". Even in his "se-baptism", Smyth had a predecessor among English Baptists on the Continent before 1600. In Leonard Busher, whom Mr. Burrage gives convincing reasons for believing an Englishman rather than a Dutchman, though he undoubtedly wrote in Holland, the author discerns the earliest English champion of believers' immersion, his *Religious Peace* having been published in 1614, "nearly thirty years before the Calvinistic or Particular English Anabaptists adopted it as the only correct manner in which to administer that ordinance".

Probably the discussion of most interest to students of New England religious beginnings is the author's sharp discrimination between the Separatists and what he terms the "Congregational Puritans".

The beginnings of Independency, or Congregationalism, are not, as heretofore, traced to the Brownists or Barrowists, but to the Congregational Puritanism advocated by Henry Jacob and William Bradshaw about 1604 and 1605, and later put in practice by various Puritan congregations on the Continent, whence it was brought to America and back into England. Puritan Congregationalism accordingly did not have its source in separatism, nor was it separatist in spirit, but was constantly declared by its upholders as involving a separation only from the world, and not from the Church of England. . . . American Congregationalism, as well as that in England, is to be traced back directly neither to Browne nor to Barrowe, but to the Independent or Congregational Puritanism of the Continent. American Congregational churches, then, did not originally separate from the Church of England, but have become separatist and as they are to-day in other respects, only by a gradual and almost unnoticed process of evolution.

Mr. Burrage even gives reasons of weight for believing that Browne was far less a Separatist than Barrowe and Greenwood.

The Elizabethan bishops fare less hardly at Mr. Burrage's hands than has usually been their fate with writers of Nonconformist sympathies. He evidently feels that they were largely the agents of a governmental system which put a constraint upon their actions too often forgotten in estimating their relations with the early English Dissenters.

WILLISTON WALKER.

*Philippe II., Roi d'Espagne: Étude sur sa Vie et son Caractère.* Par CHARLES BRATLI, Membre Correspondant de l'Académie Royale d'Histoire de Madrid. Nouvelle édition revue et augmentée par l'auteur avec une préface du Comte BAGUENAUT DE PUCHESSE. (Paris: Honoré Champion. 1912. Pp. 300.)

FOR the past fifteen years the author of this book has been known to the literary and historical world of Madrid as a careful, thorough, and sympathetic student of the annals and institutions of Spain. Few foreigners have been able to acquire the Spanish point of view as completely as he. A number of valuable contributions to periodicals have emanated from his pen, noteworthy among which is an unusually full and able discussion of recent Danish works on Spanish topics, which appeared on pages 381-398 of volume LVII. of the *Boletín de la Real Academia de la Historia*. It was in 1909 that the first edition of the present work appeared, in Danish, at Copenhagen. Those who, like the present writer, spent weary hours in grappling with the linguistic difficulties of the original, will perhaps feel that they were somewhat maltreated in not being told at an earlier date of the prospect of the present French edition: but their vexation will be mitigated by the reflection that this useful work is now accessible in the more generally familiar language.

M. Bratli's book, as its title implies, is in no sense a biography, but rather a series of essays on the historical literature concerning Philip II., and on some of the more disputed phases of Philip's life and reign. These are accompanied by a profusion of bibliographical notes, a list of authorities, and nine appendixes, which together occupy more pages than the body of the work itself. The point of view is, of course, frankly apologetic, and, if the author seems to go too far, it is but fair to remember the excesses in the opposite direction of which other historians have been guilty. We cordially concur in his view of Philip's character and in his substitution of the adjectives "laborious", "deeply religious", and "justice-loving", for "despotic", "fanatic", and "wantonly cruel". M. Bratli's estimate of the Don Carlos episode (a sorrowing father forced to sacrifice his incapable son to his sense of duty to the realm over which he ruled) seems to us entirely convincing: his palliation of the murder of Montigny (by putting the blame on Alva) less so. The pages which deal with the Inquisition and the expulsion of the Moriscos will doubtless provoke much contradiction, especially the passages which touch on the economic side of the matter. It will do no harm, however, to have the Spanish interpretation of what is essentially a "cosa de España" given wider circulation than it at present enjoys, and it is a blessing to have the persecution of the Spanish Protestants once more reduced to its proper dimensions.

Of the bibliography, bibliographical notes, and critical estimate of the authorities, it is to be said that those parts which deal with Spanish writers and Spanish books—whether contemporary or modern—are far

more valuable than those which have to do with works produced outside the peninsula. There are certainly few omissions in the bibliography itself; but there is evidence that M. Bratli has not familiarized himself with the contents of some of the works (especially non-Spanish works) whose titles he has quoted. His chapter on "La Situation Intérieure de l'Espagne vers le Milieu du XVI<sup>e</sup> Siècle" contains much which is flatly contradictory to Señor F. de Laiglesia's essay on *Los Gastos de la Corona en el Imperio* without the slightest attempt at a refutation: his general estimate of the Morisco problem diverges completely from that of Lea, but the standpoint of the American historian is not even hinted at.

It is a pity that such a really good book as this should be disfigured by so many careless errors and misprints. Minor slips like "alcades" for "alcaldes" (p. 66) or "parli" for "parmi" (p. 217) may be forgiven: to say that the great Military Orders formed a state within a state down to the end of the sixteenth century is more serious: but for an historian of Philip II. to assert that the *Justicia* of Aragon was elected by the Cortes down to the Aragonese revolt of 1592 (p. 202), and that the practice of the king's appointing him began after the suppression of that rebellion (p. 127), is really quite unpardonable. In spite of these and other similar mistakes, however, M. Bratli deserves the thanks of all students of Spanish history for a useful and timely piece of work.

R. B. MERRIMAN.

*A History of Witchcraft in England from 1558 to 1718.* By WALLACE NOTESTEIN, Assistant Professor of History, University of Minnesota. (Washington: American Historical Association. 1911. Pp. xi, 442.)

IN this work Professor Notestein presents us with a chronological survey of the witchcraft delusion as it found expression in England between 1558, the year of Queen Elizabeth's accession, and 1718, when Hutchinson's able work on the history of witchcraft was published.

His chapters deal with such subjects as: the Beginnings of English Witchcraft; Witchcraft under Elizabeth; Reginald Scot; the Exorcists; James I. and Witchcraft; Notable Jacobean Cases; the Lancashire Witches and Charles I.; Matthew Hopkins; Witchcraft during the Commonwealth and Protectorate; the Literature of Witchcraft from 1603 to 1660; Witchcraft under Charles II. and James II.; Glanvil and Webster and the Literary War over Witchcraft, 1660-1688; the Final Decline; the Close of the Literary Controversy.

The work is based mainly on the contemporary pamphlets and chap-books dealing with particular trials, municipal records, and the newspapers of the time, supplemented by the diaries and memoirs of the seventeenth century, in which can be found many accounts of trials witnessed by the diarists or described by them.

A complete history of the witchcraft delusion in England would of

course include a full account of the trials from Anglo-Saxon times to the accession of Queen Elizabeth, but such a work, as the author points out, would involve "an examination of all English sources from the earliest times and would mean a study of isolated and unrelated trials occurring at long intervals and chiefly in church courts". In all probability such an examination would add but little to our knowledge of English witchcraft. The author has therefore rightly confined himself to the period above mentioned which in reality covered the rise and downfall of the delusion in England, or rather Great Britain.

The appendixes, which are approximately equal in extent to one-quarter of the text, contain a mass of illustrative material of great value. The first deals with the contemporary pamphlet literature; the second gives a "list of persons sentenced to death for witchcraft during the reign of James I."; while the third is a "list of cases of witchcraft, 1558-1718, with references to sources and literature", and, as the author admits, is very incomplete.

Professor Notestein shows clearly that the developing of the notion of witchcraft in the popular mind was due to the practisers of magic arts, the charmers and enchanters who were plotting against the life of Queen Elizabeth. "When Protestant England", he says, "grew suddenly nervous for the life of the queen, when the conjurers became a source of danger to the sovereign, and the council commenced its campaign against them, the conditions had been created in which witchcraft became at once the most dangerous and detested of crimes. While the government was busy putting down the conjurers, the aroused popular sentiment was compelling the justices of the peace and then the assize judges to hang the witches." This public sentiment grew in volume and was so much accelerated in the succeeding reign of James I. by the publication of that king's *Daemonologie* (1597) that, as the author says, the view that James set the superstition going in England, however superficial, has some truth in it. The fluctuating development of the delusion throughout the seventeenth century is illustrated by constant reference to the opinions of contemporary authors and by extracts from the evidence given in the leading trials until we reach the stage when disbelief and indifference led to the nullification of the law against witchcraft. This disbelief was powerfully helped along by such works as Ady's *A Candle in the Dark* (1655), Wagstaffe's *The Question of Witchcraft Debated* (1669), and Webster's *The Displaying of Supposed Witchcraft* (1677).

As a whole the volume is an acceptable contribution to the study of a deeply interesting subject, and it is to be hoped that the author will round out his work by giving us a further study on the relation of witchcraft to the social and political history of England. The index is fairly good.

G. F. B.

*Les Prédicants Protestants des Cévennes et du Bas-Languedoc, 1684-1700.* Par CHARLES BOST. Tome premier, 1684-Février 1692. Tome second, Février 1692-Septembre 1700. (Paris: Honoré Champion. 1912. Pp. xx, 478; 665.)

To the story of the Huguenot preachers of the desert during the sixteen years from the revocation of the Edict of Nantes to the appearance of *prophétisme*, M. Bost devotes over a thousand pages. At first sight one fears something of the aridity of the desert through which the ministers wandered; but the sincerity and power which held the mountain audiences of the seventeenth century for three or four hours has passed into the modern narrative.

The region of Cévennes and Lower Languedoc (including in 1571 one hundred and twenty-one churches), extending from the Mediterranean and the Rhone to Mt. Lozère, included a territory about fifty to sixty miles square, approximately the size of the White Mountain district from the northern slopes of the Presidential Range to the southern end of Lake Winnepesaukee and from the Connecticut River to Maine. Over all this characteristically Huguenot region the author travelled as pastor for ten years. Through his map, his extracts from documents, and his story, one can follow Bâville and his dragoons running down their human quarry in caves and dens of the earth, deserted farms or chestnut drying houses, along the mountain roads and sheep paths, by which the human flocks (sometimes of 1500 to 4000 persons) came to communion and sermon, and along which the hunted preachers fled through the Cévennes. The adventurous escapes of Faucher, the intrepidity, resource, and tragic deaths of Vivent and Brousson, balance the scholarly discussion of doctrine, discipline, and political theory. A careful analysis of the organization and worship of the churches, followed by one hundred and twenty pages of *pièces justificatives*, is given in the second volume. Good indexes of persons and places, covering fifty-four pages, are followed by a useful but scanty three-page index of other matters. The references to words peculiar to the locality and explained in the text are valuable and might well have been enlarged. Twenty-three full-page photographic reproductions illustrate the narrative and the excellent geographical introduction, although the plates are annoyingly separated from the text to which they refer.

The author shows thorough familiarity with both the ground and the documents. He has utilized the archives of the prosecutors of the Huguenots at Montpellier and half a dozen other places; the valuable collections at Paris of Weiss and Fonbrune-Berbinau; particularly the copies of the Antoine Court manuscripts in Geneva; the printed letters and *relations* of the preachers; and he shows critical handling of the work of his predecessors. The book is historical, not polemical. The chronicler is very appreciative of the aims and heroism of the ministers, but sees both sides of their character and even of the intendant Bâville. He does not hesitate to show the errors of some of the earlier and more

pietistic writers who accepted narratives at face value without recourse to documents; and he recognizes Brousson's sympathy with foreign invasion, and his legal rather than frank replies under trial.

There is valuable evidence as to the character of the Huguenots of the mountain and plain: their development of moral sense and responsibility through discipline and worship; and their tendency to work out a series of little republics insisting upon the consent of the people, the obligation to observe treaties, the subjection of the monarchy to the Word of "the Eternal", the right of liberty of conscience and of resistance to tyranny. The comparison of the conceptions of Brousson as to calling and ordination through God and the people, with those of Wesley and Whitefield might be interestingly widened to include the views of the Independent and Congregational ministers of England and New England in the sixteenth and seventeenth centuries.

M. Fonbrune-Berbinau in an appreciative introduction points out that while the volume of Douen, published in 1879, on the pastors of the desert in the north, remains monumental, the other volume relating to the southern region has omissions due to lack of knowledge of the material which M. Bost has so skilfully used—the testimony of the prosecution and the defense.

HERBERT DARLING FOSTER.

*L'Abbé de Saint-Pierre: l'Homme et l'Oeuvre.* Par JOSEPH DROUET, Docteur ès Lettres. (Paris: Honoré Champion. 1912. Pp. viii, 397.)

*L'Abbé de Saint-Pierre: Annales Politiques (1658-1740).* Nouvelle édition collationnée sur les exemplaires manuscrits et imprimés avec une introduction et des notes, par JOSEPH DROUET, Docteur ès Lettres. (Paris: Honoré Champion. 1912. Pp. xxxvi, 399.)

THE first of these volumes is a history of the intellectual activities of St. Pierre and is in every particular a valuable contribution to the historiography of the eighteenth century. The first part (pp. 1-106) is biographical; the second and much the longest portion (pp. 107-384) is an extended account of St. Pierre's literary labors in behalf of reform. The abbé was an intelligent and indefatigable writer; the bibliography of his works fills ten pages. In the midst of a world of war he was an earnest advocate of universal peace, reflecting the influence of Sully, Grotius, and the *Nouveau Cynée*. A contemporary of Montesquieu, he wrote upon the origin of sovereignty, forms of government, division of powers, the English constitution—for which he had less enthusiasm than Montesquieu—etc. In the interest of administrative reform he wrote: a notable *Discours sur la Polysynodie*, arguing that a "pluralité des conseils est la forme du ministère la plus avantageuse pour un roi et pour son royaume"; pamphlets upon police of the roads; for the improvement of the road-system of France; for revision of the *taille*; for simplifying judicial processes; for the sup-



pression of duelling; for the relief of the poor; on mendicancy; on the education of women; on commerce and colonization, etc. Some of these memoirs are still unpublished and certainly ought to see the light. St. Pierre had a powerful influence upon Aubert de Tourny, Turgot's predecessor in the Limousin, and himself as enlightened an intendant as Turgot in Guyenne, but one whose brilliance has been effaced in the greater glory of the latter.

The second volume is a new edition of the Abbé de St. Pierre's *Annales Politiques*, which cover those eventful years of France between 1658 and 1740, based upon a new collation of all the existing manuscripts and the three printed editions. The basis is the Caen manuscript, all variants being given in the notes. The record begins with the year of the writer's birth, although the actual composition dates from 1694 to 1696. Though modestly denominated annals, the work is really a philosophical and critical as well as a narrative account, for the author sensitively appreciated the "new history" of his times—the transition from the classicism of the age of Louis XIV. to the philosophical and critical thought of the eighteenth century. St. Pierre lacked the constructive mind of Montesquieu and his utopianism excited the scorn of Voltaire; he lived on a high plane of thought and endeavor below the grade of genius. Like so many writers of the time he was strongly influenced by Plutarch and was prone to moralize, but his moralizing is not flat nor tenuous and his comments are often keen and direct, like St. Simon bled of his Tacitean power. Probably no single source pertaining to the last half of the reign of Louis XIV. and the early years of Louis XV. will give a reader a better idea of men and events or more fully enable him to appreciate the unity of the period. The work is a mine of political, military, social, economic, and literary information, as readable as any save the greatest memoirs of the time, and freer than all from chit-chat and gossip. The temptation to quote from clever or critical judgments, apt characterizations, pithy comment, is strong, but the reviewer is mindful of the statute of limitations governing space and forbears. It is a pity there is no index to the book.

*Le Directoire et la Paix de l'Europe: des Traités de Bâle à la Deuxième Coalition, 1795-1799.* Par RAYMOND GUYOT, Docteur ès Lettres. (Paris: Félix Alcan. 1911. Pp. 956.)

THROUGHOUT the existence of the Directory the possibilities of war and peace for France turned on her relations with Austria and England. The accepted version of the diplomatic history of the period is the account by Sorel. M. Guyot, relying on more thorough studies in the archives and the use of the *Dropmore* (Grenville) *Papers* and other documents, has ventured, in his doctoral dissertation, to attack the supposedly impregnable positions of Sorel and has carried them by storm, as is shown by the hearty approval of his work expressed by eminent historians of the French Revolution. The volume shows commendable attention

to the details which make an historical work first-class, and exhibits on every page proof of the extensive and diligent researches which have enabled the author to rewrite the history of a much-tangled subject so convincingly. Rarely does a doctoral dissertation, even in France, furnish such a notable contribution to historical knowledge.

After sketching the organization of the Directory and the status of foreign affairs after the treaties of Basel, he enters upon a study of the foreign policy of the Directory to determine whether the Directory wished to make peace, upon what terms, and with what probability of success. The failure of the first tentative negotiations was followed by the campaign of 1796. It is obvious that the Directors intended that the veterans Jourdan and Moreau should conduct the main campaign in southern Germany, while the novice Bonaparte with an inferior force should make a diversion in northern Italy. That their diplomatic plans accorded with their military strategy is fully demonstrated by M. Guyot in his highly important sixth chapter, though the phrase, "the Grand Design of the Directory", seems to dignify unduly anything born of that sordid régime. In essence the Grand Design was the old monarchical policy of the natural frontiers, specifically worked out to secure for France peace, with the possession of the left bank of the Rhine. The alliance with Spain, the negotiations with the pope for a religious settlement, the mission of General Clarke to discuss terms with Austria, and the tentative negotiations of Wickham at Basel and of Malmesbury at Paris show the workings of this policy during 1796.

The great offset to these cumulative tendencies toward peace was the commander of the Army of Italy who "first saw his star at Lodi". While M. Guyot shows that the armistice of Cherasco was not an act of insubordination, Bonaparte's repeated successes in the campaign of 1796 kindled his imagination and determined him to play his own hand. After the capture of Mantua, he rid himself of Clarke, pushed his army through the mountains toward Vienna, and compelled Austria to sign the preliminaries of Leoben in direct defiance of his instructions and of the Grand Design. Then he knew how to put such pressure upon the Directors that the treaty was confirmed in spite of the opposition of Reubell and Delacroix, the exponents of the Grand Design. The Little Corsican by his creation of the Cisalpine Republic revived the revolutionary propaganda, appealed to the Italian patriots, and at the same time secured himself a position of international importance. The later intervention in Switzerland was an almost necessary sequel for strategical reasons. Austria was not slow to discern the change of policy and to delay negotiations by attempts to develop the opposition between the Directors and their general. The coup d'état of Fructidor dispelled all hopes to that end, and the treaty of Campo Formio soon carried the Bonapartist schemes a step further. Meanwhile, negotiations with England had been in progress at Lille with strong probabilities of success, for M. Guyot has shown conclusively that Pitt sincerely desired

peace even on the basis of the French control of the Low Countries. Fructidor, by a strange combination of circumstances, ruined the chances of peace with England, in spite of the efforts of Talleyrand, whose machinations are fully set forth. The Directors now desired to push the war against England vigorously and summoned Bonaparte to conduct a great attack upon the British coasts. He and Talleyrand secured the adoption of their counter-proposal of the expedition to Egypt. Meanwhile, there were in progress the negotiations at Rastatt and those of Sieyès in Berlin; Bernadotte had been on his fruitless mission to Vienna; but most serious of all, Bonapartist adherents, Italian patriots, ambitious generals, and greedy grafters, had rapidly forwarded the republican propaganda in Italy by their activities in Rome, Naples, and elsewhere. The Directors successfully checked the propaganda by preventing the amalgamation of the new republics and by the recall of Championnet. These and other acts served to postpone war with a second coalition, but the destruction of the French fleet in Aboukir Bay revealed the possibility of humbling France and so brought to being the Second Coalition. The retirement of Reubell from the Directory marked the disappearance of the policy of the natural frontiers. The revolutionary propaganda gave place to the Napoleonic imperialism.

GEORGE MATTHEW DUTCHER.

*La Commune du Dix Août 1792: Étude sur l'Histoire de Paris du 20 Juin au 2 Décembre 1792.* Par F. BRAESCH, Professeur Agrégé d'Histoire, Docteur ès Lettres. (Paris: Hachette et Cie. 1911. Pp. xviii, 1236.)

IN this work M. Braesch takes the term "Commune" in its broadest sense covering all the organs through which the life of Paris expressed itself, and especially the sectional assemblies, in the action of which he finds the real explanation of municipal policy, and, in many cases, of political tendencies still more general. His narrative opens with the affair of June 20—the movement which then started leading directly to the formation of the Revolutionary Commune on the night of August 9—and closes with the dissolution of that body, December 2. The volume is the first part of a political history of the Commune during the Terror, which, like Mortimer-Ternaux, though with very different sympathies, M. Braesch thinks became an instrument of government, August 10. The treatment is not exclusively political, for the present volume contains chapters on the economic and religious situation.

M. Braesch believes that in order to set forth adequately the life of Paris in such a momentous period he must descend "résolument dans l'inextricable fouillis des faits". This he has done, as the size of the volume—1176 closely printed pages—indicates. So great is the interest of the facts, many of them hitherto unnoted, which make up his narrative, that no one will wish the treatment briefer. The volume is also long because it includes many detailed bibliographical notes and lists,

being intended to serve in part as an "instrument bibliographique". There appear, for example, in the course of the narrative calendars of the acts of the sections on important questions, and lists of officials with precise references to all sources of information, a "Résumé des délibérations des 48 sections de Paris pendant la nuit du 9 au 10 Août", and a "Liste des individus ayant fait partie du Conseil général de la Commune du 9 Août, à minuit, au 17 Août, au soir". Documents of unusual importance are also inserted in the text, instead of being relegated to an appendix.

The subject of deepest interest is the situation in Paris from the closing days of July, when the movement for the deposition of the king had become well defined, to September 6, when the massacres in the prisons ended. Suffice it to say that the author has contributed essentially to the comprehension of the subject, rendering especially clear the origin and character of the body which conquered a temporary dictatorship in Paris, the currents of opinion in the sections, the quarrels between the Conseil Général and the Girondin group in the Legislative Assembly, and the responsibilities for the Massacres of September. His strong democratic sympathies have not influenced him to withhold facts distinctly disagreeable to radical susceptibilities. Not a suspicion of "tendency writing" can be discovered in the volume. The characterization of the personnel of the Conseil Général, or, strictly speaking, the commissioners of the sections, is a fine example of candor in a man rather inclined to apply the epithet "réactionnaire" to any one who before August 10 attempted to defend the constitutional order against the extreme revolutionaries. He says that the most influential group among the commissioners was composed of "petits patrons" and artisans in the shops of such "patrons", who resembled "un grand enfant, foncièrement bon, mais naïf et faible, aussi prompt à s'emporter qu'à s'attendrir". But, he notes, there was a group of "légistes", "robins, tous ces disputeurs de profession qu'avaient fait vivre jusqu'alors les démêlés du boucher du coin avec le boulanger d'en face", and a group of literary men, including Hébert and Chaumette, who assume this designation to conceal the absence of any profession, and some of whom were "ratés, des aventuriers de toute espèce, véritables épaves de la lutte pour la vie".

M. Braesch's inferences are for the most part unquestionably sound but in a few cases they seem open to objection. One example is his conclusion that the revolution of August 10 was in great part the work of "citoyens passifs" who invaded the assemblies of their sections, displaced the majority, ordered the tocsin rung, and took arms from the royalists to use against the king. For all the evidence to the contrary, the "personnes inconnues" who, according to the procès-verbal of the section of Montreuil, invaded the sectional assembly at 1:45 A. M., and forced the despatch of commissioners to the Hôtel de Ville, may have been radicals from other sections, instead of "citoyens passifs" of that

section as M. Braesch concludes. The record says they were "personnes inconnues", and to go beyond that is guess-work.

H. E. BOURNE.

*William Pitt and the Great War.* By J. HOLLAND ROSE, Litt.D.  
(London: G. Bell and Sons. 1911. Pp. xiii, 596.)

IN this volume Mr. Rose concludes his notable biography of the younger Pitt. As indicated in the review of the preceding volume (AM. HIST. REV., XVII. 134) the career of Pitt is logically divided into two distinct periods, in the first of which he is to be judged for his administration of British finances and his efforts for parliamentary reform, while in the second he was plunged by forces beyond his control into the chaos of European politics and wars. The biographical method lends itself much less easily to the second period, for here the author must frequently devote pages to an analysis of general European diplomacy, before he can introduce to the reader's understanding, the activities of his hero. Mr. Rose himself writes that Pitt's "career now depended upon the issue of the gigantic strife", and that "the mighty drama dwarfs the actors". Thus the method of the second volume seems quite different from that of the first—is less simple, less direct, and in some degree less convincing. Mr. Rose shares with other English writers an apparent disdain of the critical bibliography, but to the student of the period it will be an exasperation, that but a page and a half of "chief works" used, is given, consisting of such undifferentiated materials as the *Malmesbury Diaries*, *Dropmore Papers*, "Pitt MSS."; Sorel's *L'Europe et la Révolution Française*; and Wraxall's *Memoirs*. Mr. Rose has shown in other writings that he understands perfectly the care with which Malmesbury must be checked for accuracy; that the one great weakness of Sorel's work is its treatment of English diplomacy; that Wraxall was first of all a malicious gossip. Certainly some indication should have been given in the list of the distinction to be drawn as to credibility between such works and the *Dropmore Papers* and the "Pitt MSS." Many other references are cited in foot-notes that do not appear in the initial list, but there also the author does not discriminate as to values. Miles's *Correspondence* appears, in fact, as a citation much more frequently than does Wraxall, though the former is not listed as a "chief work". This criticism, be it understood, is directed against the usefulness of the work, and not against the author's knowledge or discrimination, though occasionally he sins in citing but one indifferent authority for some doubtful point.

Turning to the merit of the work as a study of European conditions, and Pitt's relation to them, Mr. Rose must be congratulated for a distinctly able and readable book. It is true that one does not get much new light on Pitt's own personal characteristics, though the author has searched high and low for every additional scrap of evidence. A brief review cannot present details, but three main points are made again

and again, either directly or indirectly, throughout the volume. The first of these is that Pitt was *not* always and ever "his own master"—with a free hand to direct British policy, and a complete control of his cabinet. Mr. Rose, when treating of foreign policy up to 1797, is very careful, for example, to state that "Pitt and Grenville", or "Grenville and Pitt" reached a determination, and took such and such a step. Pitt is shown indeed as the recognized leader, but not as the dominating master of English policy, whether at home or abroad. Secondly, it is acknowledged that Pitt was not fitted by previous experience to deal successfully with the intriguing diplomacy of the Continental courts, was too trustful of foreign powers in alliance with England, and was frequently deceived. But here, as also in regard to military affairs, Mr. Rose states rightly that Pitt should not be judged incapable because of occasional failures, but rather as a man of superior ability, since, cast unexpectedly into a vortex of war and diplomacy, for which he had no natural gifts, he rose in the end above his limitations, and evolved certain great principles of action that brought England safely through the crisis. And in the third place, with repeated emphasis, the author regrets Pitt's treatment of the movement in England for political reform. Himself earlier an advocate of such reform, he seems to have lost heart in the cause and to have turned in the end to a severe repression of it. The so-called revolutionary movement in England, the author does not consider to have been ever seriously dangerous. Pitt himself was not troubled by its first manifestations, and not until the rupture with France did he begin those acts of repression that have dimmed his fame. The Whig accusation that Pitt secretly stirred revolt, that he might gain parliamentary support by crushing it, Mr. Rose denies, but Pitt's cruelty in repression, the author does not think justified. "So far as I have found, not one life was taken by the people in the course of this agitation. . . . The hero of the year 1794 is not William Pitt, but the British nation. . . . In truth, Pitt had not the gift without which the highest abilities and the most strenuous endeavours will at novel crises be at fault—a sympathetic insight into the needs and aspirations of the people. His analytical powers enabled him to detect the follies of the royalist crusaders; but he lacked those higher powers of synthesis which alone could discern the nascent strength of Democracy." Mr. Rose is in the main, however, eulogistic of Pitt, but the illustrations just given indicate that in this life of his hero he has preserved an unbiased mind. The result is a work superior as an historical study to any that has appeared in English on the career of the younger Pitt.

EPHRAIM D. ADAMS.

*Pitt and Napoleon: Essays and Letters.* By J. HOLLAND ROSE, Litt.D., Reader in Modern European History, University of Cambridge. (London: G. Bell and Sons; New York: The Macmillan Company. 1912. Pp. vii, 343.)



DR. ROSE here presents eleven essays and ten selections from correspondence. The True Significance of Trafalgar, and General Marbot and his Memoirs are reprints. Of the remaining essays, six treat of Pitt and three of Napoleon, while all of the correspondence relates to Pitt. In substance the author offers in this volume, in greater detail than seemed suitable to his earlier volumes, an account of certain episodes or conditions in the careers of the two great antagonists. In the essay entitled "Was Pitt responsible for the Quiberon Disaster?" Mr. Rose is in reality concerned to answer the accusation later made by Fox, Sheridan, and the *Émigrés*, that Pitt was guilty of perfidy in deliberately organizing an expedition secretly designed to get rid of the *Émigrés* themselves, and relieve England of the burden of their presence. This accusation no credible historian has made, and the author's defense was not needed. As to responsibility in the sense of lack of foresight, and confusion of ideas and instructions, Mr. Rose emphasizes the incapacity of Puisaye and Hervilly, the mutual suspicions of royalist leaders, and the antagonism and lack of co-operation between peasant and noble. The general effect of the study is to place the blame for disaster upon the *Émigrés* themselves, where indeed it in large part belongs, but in reaching this conclusion Mr. Rose apparently loses sight of the historical accusation still remaining, that English governmental mismanagement (not perfidy) was a contributing element, and that for this Pitt *was* responsible. In another essay, "Did Napoleon intend to invade England?" Mr. Rose affirms that on three distinct occasions Napoleon really planned such invasion, but was each time distracted by unexpected conditions. The proof here offered is very slight, documents are lacking, and the author's verdict rests rather on his conception of Napoleon's character—always optimistic, over-bold, and confident in his superior military genius. The essay on Napoleon's Conception of the Battle of Waterloo also dwells upon this element in Napoleon's character, but the matter is much better handled than in the previous essay. Mr. Rose here brings together the utterances of Napoleon during the progress of the battle, and his later statements, to show that he neither at the time nor later, clearly realized the military situation, and was almost to the last disdainful of his opponents. Mr. Rose writes (pp. 196-197), "Singularly enough, Napoleon never understood why he was beaten. . . . The most curious feature of the whole question is the inability of Napoleon to understand that he himself was responsible for losing the campaign. As has now appeared, he underrated the fighting power of the allied armies and the abilities of their commanders. . . . There is little or no sign of hesitation on which M. Houssaye has laid stress. On the contrary, every move up to about 4:30 betokened absolute confidence in the result." The correspondence forming part II. of the present volume is not especially interesting or illuminating since it consists for the most part in letters, as in the fifteen from Grenville to Pitt, which have little or no meaning unless read in

connection with those which drew them out. Nevertheless, as in the case just cited, the letters here published fill out gaps in correspondence previously printed elsewhere, and are therefore of value to the student of the period. Taken all in all however the volume is not up to the standard of Mr. Rose's previous work. It unfortunately leaves the impression of mere book-making—of using material for which no suitable place was found either in his earlier work on Napoleon, or in his more recent volumes on Pitt.

EPHRAIM D. ADAMS.

*Mémoires et Documents inédits sur la Révolution Belge et la Campagne de Dix-Jours* (1830–1831). Recueillis et annotés par le Baron CAMILLE BUFFIN, Avocat. In two volumes. (Brussels: Kiessling et Cie. 1912. Pp. 650.)

THESE two volumes, issued under the auspices of the Royal Historical Commission of Belgium, contain about twelve hundred pages of hitherto unpublished material upon the Belgian Revolution of 1830 and upon the brief campaign of 1831 which followed upon the success of that movement and in which King William I. tried to win back his southern provinces, only to be checked by France and by diplomacy. These documents are of unequal value and of fragmentary character. They give no complete account of the revolution but light up many points of detail in the history of the times. Most of them are from the pens of military men and have to do mainly with military or semi-military events or plans. Political movements and diplomatic measures occupy a less prominent place; indeed the latter hardly appear at all. Considerable parts of the military documents are of a formal, statistical nature, of interest to the professional military historian but of slight value to the political historian. The latter will however be abundantly rewarded for a careful examination of these volumes. He will find in them valuable evidence concerning the spontaneous and powerful insurgence of national feeling, and illustrating the rapid spread of the spirit of revolt from Brussels to other towns, large and small. He will perceive the fundamental unwisdom of the Congress of Vienna in thinking that states can be artificially created and can endure, in spite of history, race, and sentiment, an error for which the practical men of Vienna had for years been reproaching the French revolutionists and Napoleon. The political historian will not get from these documents any light on the work of the Belgian revolutionists in the construction of new national institutions, in the elaboration of a new fundamental law, in the inauguration of a new monarchy in Europe. Nor will he gain any new insight into the causes of the revolution, for the narratives do not go back to causes but begin with the Brussels riots of August, 1830.

The first of the two volumes contains unpublished memoirs of three men who participated very actively and in important ways in the events

of 1830, Baron Chazal, General Pletinckx, and General Monceau. Chazal, a young man of twenty-two, son of a former *conventionnel* of France, threw himself impetuously into the insurrection of Brussels, was intrusted with important missions by his colleagues of the revolutionary junta, and discharged them with ability and dash. His narrative, graphic, enthusiastic, and characterized by much self-complacency, is significant as showing how important cities like Mons and Antwerp were brought into the general movement (I. 33-272). Pletinckx was the real organizer of the *garde bourgeoise* of Brussels at the outbreak of the revolution and his account throws some light upon events in the capital in August and September, 1830 (I. 293-406). General Monceau was aide-de-camp to the Prince of Orange, son of the King of the Netherlands, and as such was in constant attendance upon him. The extracts from his memoirs are extremely interesting and important. He accompanied the prince to Brussels and Antwerp during the troubles of 1830. His point of view was that of an instinctive defender of the established order. For him insurrectionists were nothing but *canaille*, *gens à l'aspect sinistre*, and members of parliament were nothing but *ces messieurs*. But he possessed very unusual powers of rapid and accurate observation. His account of the prince's visit to Brussels is remarkable. He noted instantaneously and with apparent discrimination every manifestation of popular feeling favorable or unfavorable to the prince and to the government, and recorded all with such directness, such objectivity, and such evident fidelity to the truth, that his narrative constitutes a valuable historical source (I. 412-558).

The second volume contains extracts from the journal of General Constant Rebecque, chief of staff of the army of the Netherlands; a long contemporary account, in Dutch, of events in Antwerp from August 28, 1830, to May 1, 1831; and various other documents.

The editor of these volumes has done his work well. Biographical sketches of the men whose memoirs he publishes, brief biographical notes concerning the lesser personages mentioned in the course of the narrative, and an admirable index of personal names add to the usefulness of this work. It would have been increased still further, had he given us information as to when and under what conditions the various memoirs were composed, facts essential to any final and authoritative appreciation of their historical value, and in regard to which we are left entirely in the dark.

CHARLES DOWNER HAZEN.

*La Révolution de Février: Étude Critique sur les Journées des 21, 22, 23, et 24 Février 1848.* Par ALBERT CRÉMIEUX, Agrégé d'Histoire et Géographie, Docteur ès Lettres. [Bibliothèque d'Histoire Moderne.] (Paris: Édouard Cornély et Cie. 1912. Pp. 535.)

THE French Revolution of 1848 has been greatly and variously

denatured by those who have written concerning it. It has been a congenial theme for partizan polemics since the very day when the invaders of the Tuileries seized the throne of Louis Philippe and, having carried it in tumultuous triumph across the city of Paris, burned it to ashes in the Place de la Bastille where stood the monument that commemorated the Revolution of 1830, a revolution to which the Citizen King owed the throne upon which he had sat for eighteen years and which was now so unceremoniously incinerated. Thus was completed another cycle in the history of France and then began a war of words concerning the causes, course, and consequences of the three days. Republicans, socialists, monarchists of two schools, Bonapartists, clericalists, and militarists have all rushed to the attack and the defense of this much belauded, much maligned revolution. That the resulting literature has been large, if not convincing or satisfying, is evident from the extensive and classified bibliography prefixed to the present volume. But what has hitherto been lacking has been a dispassionate, analytical, and critical history of this event, fraught with such significance both to France and Europe. Such a history M. Crémieux has now given us in this notable volume, which is another brilliant illustration, in addition to the many we have had in recent years, of the vigor, the thoroughness, and the solidity of much of modern French historical writing.

What has hitherto rendered difficult, and, indeed, impossible, an authoritative account of the February Revolution has been the lack of any source, superior to all others, by which the multitude of statements previously made by more or less competent witnesses and commentators could be effectively controlled. Such a source is now accessible. It consists of the voluminous documents gathered immediately after the revolution in the course of the judicial investigation undertaken by the government in connection with the projected prosecution of the Guizot ministry. These documents, long preserved and overlooked in the archives of the Ministry of Justice, were, in 1905, deposited in the Archives Nationales. Upon the method followed by the government in the investigation and upon the value of the resulting documents M. Crémieux has published an article in the *Revue d'Histoire Moderne et Contemporaine* (IX. 5-23, 1907-1908). Though of the most unequal character, being the reports or answers or depositions of participants, and needing most cautious examination in every case, they form, as the author states, a source "unique in the history of insurrections and revolutions". The method which he has followed in the construction of his book is sufficiently indicated in the following sentence. "In the presence of the abundance of documents I have accepted for each fact only the testimony of those who were ocular witnesses of it; and whenever it has been possible without danger to clearness of exposition . . . I have allowed the witnesses themselves to speak and I have been the more inclined to do this as in most cases the documents have been hitherto unpublished."

It is impossible within the limits of a brief review to show in detail the numerous merits of this volume. The narrative is one of precise statements of fact. The events of those crowded days are described with sufficient fullness. Half of the book is devoted to those of February 24. It would be difficult to find a theme offering more resistance to orderly presentation, for the February Revolution was a wild welter of conflicting forces, of multitudinous incidents. The situation changed from hour to hour and almost from moment to moment, with astounding, disconcerting rapidity. Yet M. Crémieux's narrative is surprisingly clear and admirably balanced. It is characterized by a continuous critical control of the sources and of the numerous previous writers on the subject. And where the author is in doubt, where the evidence is lacking or is dubious, he points out that fact and avoids resorting to conjecture, hypothesis, or easy generalization.

This monograph disproves several conceptions concerning the February Revolution which have passed into the historical literature of the last half-century without serious challenge. One of these is that that revolution was a *surprise*, a veritable accident in which chance and the activity of a few men played the preponderant rôle. In the polemics which began on the very morrow of the event between Monarchists and Republicans both parties accepted this description as correct. We find it in the work of Garnier-Pagès, the most elaborate and hitherto the most important republican history of this revolution, and in the royalist writings of Guizot and Thureau-Dangin. It is impossible here to summarize M. Crémieux's proof to the contrary, but it is ample and convincing. The destruction of this legend is a most important service to historical scholarship.

CHARLES DOWNER HAZEN.

*The Life and Times of Cavour.* In two volumes. By WILLIAM ROSCOE THAYER. (Boston and New York: Houghton Mifflin Company. 1911. Pp. xvi, 604; viii, 562.)

THIS solid biography of the foremost among the makers of modern Italy has been published at an auspicious moment. African expansion, which is the logical outcome of Italian unity and prosperity, has recently been undertaken by Cavour's successors with a thoroughness of organization and a command of national energy which recall the best traditions of Cavourian government, proving the quality and stability of the national structure and justifying the designs of the master-builder. It has been usual among historians of the Italian national struggle to give exaggerated prominence to the purely revolutionary aspects of the conflict. Dramatic Italian victories on the battle-field lay mostly with the volunteer revolutionary corps glorified by the leadership of Garibaldi, and it is natural that both the latter and the thrilling story of a half-century of heroic conspiracy should have appealed more to most historians than the long, prosaic course of legislative reform, sound financ-

ing, educational and industrial development, and army and navy reorganization. Yet these slow processes are what constitute state-building, and Italy is what she is to-day because they were carried out conscientiously along the lines laid down by a great leader, one whose claims to the foremost place among European statesmen of the nineteenth century Mr. Thayer has now done much with the English-reading public to establish. Italy, whose pride in Cavour's achievements has been obscured in some quarters by loud-voiced Garibaldian claims upon national gratitude, will give wider recognition to his genius now that the events in Tripolitania have awakened her to a fuller consciousness of strength as an organized, disciplined, and united state. She has recently decreed a national edition of the letters of Cavour, which will bring to light many unpublished documents, and help to a full appreciation of his work.

Mr. Thayer's biography is the most important life of Cavour that has been published. It makes little pretense at bringing out new material, but the writer understands and has interpreted the character, the ideas, and the policy of Cavour as no historian has done since Luigi Chiala. Cavour's life falls into two distinct periods. The first, that of an obscure private citizen, closes with his thirty-seventh year. Mr. Thayer has made a painstaking and thorough study of all published correspondence and other documentary evidence of this earlier period, and in setting forth the practical philosophy and clever dealings of the agriculturist and capitalist gives a striking picture of the "most practical finance minister, of modern times" *in the making* (I. 25). In 1847 Cavour emerged as a progressive journalist and in 1848 entered Parliament; in 1850 he became Minister of Agriculture and Commerce and in 1852 he was called to the premiership. For the last six years of his life, 1856-1861, he was the dominating figure in Italy, and from 1859 to 1861 the master-mind in the international conflicts of Europe.

Mr. Thayer's analysis of parliamentary groups and struggles in Piedmont in the second period shows wide research and full maturity of judgment. His narrative throughout the work is clear and spirited. He has an unerring eye for what is essential, and as a whole the biography is a model in dramatic development. The individual chapters abound in incisive criticism—and it should be added, are well larded with apt bits of philosophy and clever metaphors which incidentally attest the writer's strong anti-protectionist, anti-papal, and anglophobe principles. As Cavour enters the labyrinth of European diplomacy and, playing upon Anglo-French jealousies, entices the French emperor to enter the lists against Austria, and Palmerston and Russell to play diplomacy in Italy's favor, Mr. Thayer is at his best. In the varied and involved phases of the solution of the Italian Question he never loses sight of, as Cavour never forgot, the exigencies of the general European situation. His account of Cavour's adroit but dignified conduct at the Congress of Paris is one of the many strong chapters of the work, and he leads up to



Cavour's gréat speech with masterly effect—but he is in error in describing the reception of Victor Emmanuel at Paris in the preceding November as “enthusiastic”, though he judges accurately Napoleon III.'s policy at the time. His account of the campaign of 1859 is spirited and of unflagging interest, and his study of the diplomatic struggle which preceded is an exceptional piece of close criticism, of the first importance for students of European foreign policy. He lays bare English self-interest in several of the pro-Italian diplomatic efforts of Russell and Palmerston, but he is wrong in ascribing to them disinterestedness “in a high sense” (II. 128)—instead of jealousy of France—in 1859.

The portrait of Napoleon III. is one of the best drawn in the work, although the features are somewhat brutalized. Yet Mr. Thayer is fair in justifying Napoleon III.'s reasons for the peace of Villafranca and in not approving Cavour's conduct at this crisis. Mr. Thayer shows little respect for crowned heads. Queen Victoria has an “unsubtle, commonplace nature” (I. 364), and the Emperor Francis Joseph is complimented upon having “escaped the blight of imbecility” (II. 95). The chapters on contemporary conditions in the Italian states, aside from Piedmont, are the less satisfactory portions of the biography, being based largely upon secondary authorities, some of which, such as Hippolyte Castille and Charles La Varenne, are distinctly questionable. He treats Mazzini with generally deserved severity, but one wishes that he might have inserted a sketch of Mazzini's earlier services to Italy, for which space might more properly have been found than for the dissertation on the medieval papacy (I. 278 ff.). But Mr. Thayer seems imbued with apostolic zeal to smite the “magnificent impudence” of the papacy at every turn, and his constant, unmeasured raillery in this regard is a defect. He criticizes Garibaldi in unnecessarily harsh terms, but usually with full justice. Unpublished documents in the state archives of Italy will show that Brofferio, champion of Piedmontese democracy, whom Mr. Thayer describes as having “deserved the respect even of his antagonists” (I. 93), was at one time in secret relations with Austria. Other hidden documents will prove that what Mr. Thayer describes as “popular belief” was indeed a fact—namely that “the confessional was one of the channels through which the police got information” (I. 186). Much remains yet to be revealed relative to Risorgimento history, but this biography of Cavour, the best work on modern Italy published in English, must long continue an indispensable source.

H. NELSON GAY.

*The History of the British Post Office.* By J. C. HEMMEON, Ph.D.  
[Harvard Economic Studies, vol. VII.] (Cambridge: Harvard University. 1912. Pp. xi, 261.)

THE arrangement of Mr. Hemmeon's book, which is a study in economic history, is partly chronological, partly topical. The first four chapters trace the development of the British Post-Office from the be-

ginning of the sixteenth century to recent times. Subsequent chapters discuss the travellers' post and post horses, roads and speed, sailing packets and foreign connections, rates and finance, the question of monopoly, the telegraph system as a branch of the postal department, and the Post-Office and the telephone companies.

In comparison with Herbert Joyce's well-known history of the British Post-Office, which extends only to 1836, this new work is a considerable improvement. Though not so readable as Joyce's account, the story is clearly told and the reader is willing to accept it as definitive for early British postal history. The bibliography is sufficient although many would value a critical estimate of all the important works bearing on the subject. The foot-notes are judiciously used, but in some chapters dealing with the later period they show that the author has relied almost exclusively upon government publications and that, too, when dealing with subjects upon which the outside world might wish to be heard.

That it is not a very interesting book is not wholly the fault of the author. It is not easy to describe such a complex institution as the Post-Office in language that is eloquent and readable. It may well be doubted if early British postal history can be made as interesting as the early history of the posts in this country, where the great distances and numerous physical obstacles lend many picturesque features to the transportation of the mails. The dullness is due in part, however, to a somewhat narrow conception of the work, an apparent absence of knowledge of the postal history of other countries, and a failure to understand the difference between essential and unessential details. The pages are sometimes burdened with detailed matter that might well have been omitted.

It is an ungrateful and perhaps useless task to attempt to say how a given book should have been written and what the results ought to be. If the thing desired is a painstaking account of the development and operations of the British Post-Office since its beginning, with relatively little attention to the more important economic aspects of the service at the present time, then the author has succeeded admirably and his work must be pronounced good. It seems, however, to the reviewer that a history of the British Post-Office ought, in these days, to pay less attention to the period before 1837, and deal more fully with modern postal problems. Measured by this standard Mr. Hemmeon's book, in its present substantial form, and in such respectable company as the *Harvard Economic Studies*, ought to be justified by more suggestive conclusions than the author has given us.

It is recognized that the book is a study in economic history and not in economics, but what is the use of economic history unless it grapples sharply with the economic, political, and social problems involved in the subject? A sound historical and economic study of the British Post-Office in the last seventy-five years would be of considerable value to

students of politics, government, and economics. Mr. Hemmeon gives us the early history of the Post-Office with a wealth of detail that speaks well for his thoroughness and industry, but he does not deal with the telegraph, the telephone, the civil service, and other modern problems of the Post-Office in such a way as to make his book of the largest possible service. A student of American postal problems, for example, would not gain a great deal by reading this work.

J. P. BRETZ.

#### BOOKS OF AMERICAN HISTORY

*The Stone Age in North America.* An Archaeological Encyclopedia of the Implements, Ornaments, Weapons, Utensils, etc., of the Prehistoric Tribes of North America, with more than Three Hundred Full-Page Plates and Four Hundred Figures illustrating over Four Thousand Different Objects. By WARREN K. MOOREHEAD, A.M., Curator of the Department of American Archaeology, Phillips Academy. In two volumes. (Boston and New York: Houghton Mifflin Company. 1910. Pp. xii, 457; vi, 417.)

It is rather difficult to review these volumes with absolute justice, for the author has, unfortunately, tied up his long and varied experience as an archaeologist in the field with a special theory of the nature and the significance of "prehistoric" remains in North America, a theory which he several times pushes beyond all reasonable limits. On page 7 of volume I. he speaks of the unfortunate "tendency to explain much of prehistoric times through knowledge of tribes whose customs are more or less saturated with white man's influence", and he censures the labors of the investigators represented in the *Handbook of American Indians North of Mexico*, recently published by the Bureau of American Ethnology, for having "led many to consider prehistoric life in America as nearly the same as the life of our Indians for the past one or two centuries" (p. 2). He says, again (pp. 4, 6), that the *Jesuit Relations* show "a great gulf between the aborigines of long ago and the Indians of the present", going so far, at times, as to recognize pre-Indian forms of culture—such, *e. g.*, would seem to be "the strangest culture . . . in America . . . that of the cave region of the Ozark Mountains" (II. 361). This "gulf" between the Indians of to-day and the "prehistoric" aborigines he emphasizes further elsewhere by maintaining (*American Anthropologist*, new series, XIII. 494, 1911) that "the bulk of implements and works in this country are not known to existing tribes, or were not known to the tribes of the past two centuries", and that "the earthworks of the Ohio valley cannot be explained by a study of any historic tribes of which we have knowledge, neither can the remarkable objects and altars found in the Scioto valley be so explained".

While he does right in calling attention to the effects of the contact

with the white man upon American Indian culture in general and in particular, and, in pointing out the necessity of "seeking to find primitive man untouched by civilization", he is hardly justified in constantly minimizing, as he does in all regards, the primitiveness still attaching, in certain regions of America, to the art and folk-lore, the religion and daily life, of the aborigines. It is a somewhat dangerous comparison to state (II. 355) that all is changed as the Renaissance changed art in Europe. So far as present evidence goes, there is really no proof whatever of a pre-Indian physical type, or of a pre-Indian culture, in North America. Nor, after abstraction has been made of the influences of European contact, can any case be made out for a "gulf" between historic and prehistoric man on this continent; such differences of culture only are recognizable as naturally arose from environmental causes, historical experience, etc., differences entirely comparable to those which may be observed in any large area so long in the possession of one and the same variety of mankind. One must, therefore, take with reserve, inferences drawn from the author's belief (I. 10) that most of the stone objects considered by him to represent the "prehistoric" aborigines of North America were "in use long before Columbus discovered America". Just as he blames "those museum men who collect and study modern material more than the prehistoric" for not having "a clear perspective of the past in this country", he is open to criticism himself for not having "a clear perspective" of the present and the immediate past.

Nevertheless, as one whose boyhood's days were spent in the archaeological environment of Greene County, Ohio, and who has behind him twenty-five years' study of the artifacts treated of in this work, his attempt to classify them must be conceded to be that of an expert, even though he chooses a classification "based on archaeological evidence alone". In his descriptions of the very numerous implements, weapons, ornaments, miscellaneous and problematical objects, of which so many are figured (sometimes in illustrations of great beauty) in these two volumes, he quotes freely from both printed and manuscript essays and studies of such authorities as Holmes, Mason, Wilson, McGuire, Brown, Rust, Krocher, Carr, Perkins, Sellars, Moore, Meredith, Fowke, etc., and, in addition, he has had the consultative assistance of some of these together with that in particular of Professor Charles Peabody. Some of the special opinions advanced as to the origin and significance of certain objects are the following: many objects called drills are rather "hair-pins", "cloak-fasteners", and the like (I. 210); there seems to have been no real purpose for certain stone objects (*e. g.*, huge axes, swords, etc.), which could only have been connected in some way with sacred mysteries, etc. (II. 365); "among our American aborigines the finest art existed previous to contact with European civilization", and "the finest sculptures on exhibition in our museums come from sites which appear to be prehistoric" (II. 67); pottery is a sort of "barometer

of culture", and "there is no real potter's art north of the Ohio River or east of the Wabash" (II. 248); some of the shell-mounds of Florida are so old that they may well have been in use "before the discovery and utilization of pottery by the aborigines", etc.

Professor Moorehead seems too credulous toward some of the finds in certain mounds and "prehistoric" sites—at least his citation of the Piqua tablets (I: 350) would tend to give that impression. An interesting and suggestive section of the work is that part of volume II. devoted to the consideration of ancient culture-groups, etc., and the development of local cultures, although the author is, perhaps, too generous in his recognition of these, his criteria of distinction being in some cases rather indefensible. The Iroquoian culture he considers "plainly different from anything else on the American continent" (II. 358), and he detects in it signs of European influence, believing, moreover, that "as to antiquity it is not in the same class with other objects found in America", five or six centuries being a period sufficient to account for its production. An exotic origin for certain features of Iroquoian culture has been argued by Boyle, Boas, etc., on ethnological grounds.

An antiquity of man in America as great as that in Europe or Asia is thought possible (I. 34), and the author believes that, "all considered, the population in North America . . . must have been considerable during two or three thousand years" (II. 348), while the investigations made in the Trenton gravels show that "man lived in the Delaware Valley three or four thousands of years ago" (p. 359). A bibliography (arranged alphabetically by subjects), occupying pages 369-408 of volume II., a list of the publications of Professor Moorehead (pp. 408-410), and a good index (pp. 411-417, two columns to the page) complete the work.

ALEXANDER F. CHAMBERLAIN.

*Guide to the Manuscript Materials relating to American History in the German State Archives.* By MARION DEXTER LEARNED. (Washington: The Carnegie Institution of Washington. 1912. Pp. vii, 352.)

SIMILAR guides to the archives of England, Spain, and Italy have preceded; the present volume surveys the manuscript sources for American history accessible in Germany. The problem before the investigator was, within limited time, to calendar the documents throughout the German Empire which would most abundantly provide material relating to American history. He therefore confined his search to the archives best organized and administered, *viz.*, the German state archives, some fifty or more in number, and certain municipal and local archives known to contain important materials, *viz.*, Frankfort-on-the-Main, Cologne, Mannheim, Karlsruhe, Herrnhut, and Neuwied. The archives of each of the states composing the German Empire were carefully examined, including the imperial domain of Alsace-Lorraine and the Hansa cities,

Bremen, Hamburg, and Lübeck. Prussia has eighteen depositories for her state archives and Bavaria ten, distributed widely over as many cities in those kingdoms.

Professor Learned's search shows positive results in three directions: first, materials casting light upon the early emigrations, their causes and extent, the struggles for confessional liberty, and the efforts of governments to prevent extensive emigration. The archives of the Palatinate are strangely deficient in historical materials relating to the large emigrations from that district; some of the other South German archives, however, fill the gap and provide a record of the conditions in the Rhineland. Thus for instance, the General Landesarchiv in Karlsruhe contains material on the sectarians of the Palatinate—the Menonites, Baptists, and Quakers. The Bavarian archives in Munich, those of Hesse-Nassau in Wiesbaden, and of Baden in Karlsruhe, furnish records of state policies on emigration, from the dictatorial edict to the more complicated diplomatic agreements between neighboring states and later with the United States. The troubles arising from emigrant traffic, the profits of the trade, the punishment of grafting emigrant agents, the expulsion of "Neulanders", the regulation of passports and emigration taxes, can be studied in the archives of middle and south German states. Documents relating to Moravian settlements are found in Herrnhut and in the Grand Ducal Archives at Weimar, while Breslau contains important papers on the Schwenkfelders who emigrated to America in 1734. Professor Learned also records the finding of documents relating to immigration societies and individual settlements which are for the most part new and unpublished sources.

Secondly, the German state archives, notably at Marburg, Wolfenbüttel, Bamberg, Würzburg, and Hannover, furnish abundant records concerning the auxiliary German troops of the Revolutionary War. These include contracts between George III. and German princes, regulations and instructions for the recruiting, organizing, and transportation of the auxiliary troops, monthly reports, records of payments, maps and plans of battles, correspondence, diaries, and journals kept by the German officers in the British service.

Thirdly, the diplomatic and commercial relations between German states and the new republic, and the later immigrations of the nineteenth century are treated fully in the German state archives. A fascinating chapter in the history of diplomacy is contained in the correspondence between the American agents abroad, notably Arthur Lee in Paris, and Schulenburg, Frederick the Great's minister of state in Berlin. Most significant marginal comments in the handwriting of Frederick the Great appear in Schulenburg's official despatches. The king betrays sincere interest in the success of the colonists and shrewdly plans to secure a first advantage for the interests of Prussian trade, without violating his relations with neighboring powers. Subsequently other German states entered into trade relations and the business of settling



the estates of Germans in America and of German Americans in Germany gave rise to extensive transactions. A great mass of state papers record the twenty years of German emigration which followed the reactionary measures of 1819, and every subsequent wave of immigration, to Missouri and then to Texas, and the greater migrations after the revolutionary period of 1848, are reflected in the archives. In the cities of Hamburg and Bremen, which about the middle of the nineteenth century became the great gateways of emigration, records were made of the emigrants shipping from these points. In Hamburg there is the "Protocoll der Aufenthalts-Karten" (1834-1867), continued as "Das Melde-Register", giving lists of emigrants down to the present time. A similar record kept in Bremen was destroyed down to within ten years of the present time, a loss only partially made good by the Lloyd's complete lists of its cabin passengers. The Prussian Privy State Archives in Berlin contain under the rubric "Auswanderungen, Generalia", etc., the best continuous account of the German emigration during the second half of the nineteenth century, including not only ministerial acts but a comprehensive printed literature of shipping circulars and pamphlets bearing on the various phases of emigration.

Professor Learned furnishes in an introductory chapter a very lucid account of the organization, administration, and equipment of the German state archives, which cannot fail to be of practical value to any one engaged in historical researches in Germany. No one recognizes more clearly than the author of the *Guide* the limitations of his search, viz., its having been confined to the state archives merely, leaving out of account two main sources for the study if not of political history at least of social conditions. These are the municipal archives and ecclesiastical archives, a guide to which would undoubtedly prove of very great service. Attention is also called to the collections of historical societies and to village and parish records specially valuable for genealogies, and to private archives (*e. g.*, those of the Welser and the Fugger families, so prominent in the Spanish colonization of South America in the second quarter of the sixteenth century). A plan of gathering letters (including the correspondence of business houses and private family papers) has been proposed in many German provinces, and in some such manuscript materials have found their way into more central depositories.

In cataloguing the manuscript materials in the German state archives the author of the *Guide* emphasized what seemed to him important and characteristic. In the case of the first three volumes of diplomatic papers in the Privy State Archives of Prussia in Berlin he has given a brief inventory of all the materials contained therein, a plan which would not have been practicable throughout. By means of the *Guide* and with the help of the adequate index the investigator in American history is enabled to find what documents there are in the German

state archives relating to a given subject, and to locate them for his own use or for the pen of the copyist.

A. B. FAUST.

*The Relations of Pennsylvania with the British Government, 1696-1765.* By WINFRED TREXLER ROOT, Ph.D., Assistant Professor of History, University of Wisconsin. (Philadelphia: University of Pennsylvania. 1912. Pp. iv, 422.)

THIS book, like that by Professor Dickerson on *American Colonial Government*, reviewed in the AMERICAN HISTORICAL REVIEW for July, 1912, deals primarily not with Pennsylvania, but with the British organs of imperial control, especially the Board of Trade. Within its limited field it is a model of accuracy and scholarly research. Dr. Root backs up every statement with references to manuscript sources in Great Britain and the United States, to all the chief collections of printed documents, so rapidly increasing in number, and to a wide array of secondary literature. His conclusions are cautious, and his freedom from patriotic or religious bias almost inhuman.

The volume is divided into twelve chapters, of which the first and last are an introduction and a conclusion. The others deal with: Central Institutions of Colonial Control; Administration of the Acts of Trade; the Court of Vice-Admiralty; the Royal Disallowance; the Judicial System and the Royal Disallowance; Finance and Politics; the Quaker and Anglican; Imperial Defense, 1689-1748; the French and Indian War; and Imperial Centralization. Such a division obviously involves a certain amount of repetition, but probably any other treatment except the strictly chronological would have involved at least as much, and the strictly chronological would have caused an excessive interweaving of strands. Mr. Root's general conclusion is that "the charters answered neither the purposes of the central government, nor met the demands of the colonists" (p. 381). Almost perpetual appeals to the king to take Pennsylvania under royal control were made, now by the officials of the Board of Trade or the Customs in the interest of commercial regularity, now by those of the Admiralty or of the various military departments in the interests of defense against the French and Indians, now by the Church of England against the Quakers, now by the colonists themselves against the proprietors. Dr. Root's study of British colonial administration in the eighteenth century confirms the view of Dr. Dickerson that the Board of Trade itself was at times not without vigor, and if supported would have had the charters rescinded and a system of imperial centralization introduced; but that neither Parliament nor the Privy Council would give it the necessary support. Probably in this they showed their wisdom; the fate of the experiment in centralization tried from 1765 onward would almost certainly have befallen any earlier attempt. The kindly negligence of the eighteenth-century Parliament allowed the colonies to attain a healthy, if irregular

vitality, so that when the time came, they were able to form a great nation. We must all deplore the manner of the breach, and the attendant bitterness; but no policy of imperial consolidation practicable in the eighteenth century would have afforded a happier solution.

It is a pity that Dr. Root's admirable erudition and scientific detachment are not joined to a better style. His writing is not only unformed, but frequently ungrammatical. Such a sentence as, "The frequent and voluminous letters of these royal appointees to the home government fail to reveal but little sympathy with the colonists" (p. 367), really expresses the exact opposite of his meaning.

A few unimportant mistakes in proof-reading have been noticed. The index is fairly adequate, but might with advantage be somewhat enlarged.

W. L. GRANT.

*Diplomatic Negotiations of American Naval Officers, 1778-1883.*

By CHARLES OSCAR PAULLIN, Lecturer on Naval History in the George Washington University. [The Albert Shaw Lectures on Diplomatic History, 1911.] (Baltimore: The Johns Hopkins Press. 1912. Pp. 380.)

At a time when naval programmes are occupying the attention of the public it is desirable to point out that the naval officer serves often most efficiently as an agent of peace. This book in which Dr. Paullin has described diplomatic negotiations in which naval officers have been concerned will enable the reader to form a judgment on the proposition recently made that naval officers who are no longer in active naval service be sent on diplomatic missions. It is to be remembered, however, that the negotiations of which the record is given were with few exceptions carried on while the officer was still in active service and had at command a force which might emphasize the demands he urged. Such evidences of power were more convincing than the oral or written arguments, particularly after the arguments had filtered through interpreters who were anxious in the less advanced states to make the requests agreeable to their sovereigns. With his fleet behind him, as Dr. Paullin says, "the sailor diplomat is preeminently a 'shirt-sleeve' diplomatist". One has merely to recall such names as John Paul Jones, Edward Preble, John Rodgers, Stephen Decatur, mentioned in the early chapters, to imagine that their policy would be direct and positive.

It might be questioned whether the career of John Paul Jones as a diplomatic agent entitles him to the attention which he receives from the author, but the chapter relating to his career well serves to point out the close relation of the diplomatic and naval service during the period of the American Revolution. As a diplomatist Jones displays another of the many sides of his character. He presses the claims for indemnity which arose in consequence of the war, yet seems eager for new activities.

The chapters on negotiations during the late eighteenth and early nineteenth century with the states of northern Africa show the advantages of naval diplomacy in striking manner. The Barbary States of that period were not to be influenced simply by tactful phrasing of the demand when the United States was offering as ransom three thousand dollars per man to redeem those who had been taken by Mediterranean pirates. "That the United States led all other nations in resisting the exactions of the Barbary corsairs, and that American naval officers, in the use of both warlike and peaceful means, were important factors in establishing the policy of resistance, will always be a source of gratification to patriotic Americans" (p. 121). As an evidence of the fairness of some of the treaties negotiated at this time and under such circumstances, it may be said they are still binding.

The early relations with Turkey were usually in the hands of naval officers, often because the officers were in the neighborhood and knew the conditions. Commodore Porter, who had resigned from the navy, was appointed the first permanent diplomatic representative of the United States to Turkey.

As trade usually preceded any other relations with remote regions, the agent for protecting the trade—the navy—was naturally the first representative of the government to appear in these regions. Thus the representatives of the United States came to China and the navy, especially under Commodore Kearny, prepared the way for the negotiations resulting in the treaty of 1844.

The opening of Japan and the diplomacy of Commodore Perry is vividly described. The treaty opening Korea to the commerce of the United States was concluded after many tribulations by Commodore Shufeldt as commissioner plenipotentiary, and remained in force till Korea became a part of Japan.

Many of the islands of the Pacific and portions of Western Africa have been the field of negotiations of the "sailor diplomats".

The book affords a view of events in the foreign relations of the United States between the years 1778 and 1883 of which the significance might easily escape notice except in striking instances such as the negotiations of Commodore Perry with Japan. There would naturally be differences of opinion as to the value of the services rendered by the naval officers mentioned by Dr. Paullin. The narrative style makes the book easy reading. The index furnishes convenient references. Numerous foot-notes show the range of the author's preparation for his work.

GEORGE G. WILSON.

*Lee the American.* By GAMALIEL BRADFORD, JR. (Boston and New York: Houghton Mifflin Company. 1912. Pp. xiv, 324.)

THIS book, from a scion of the oldest family in New England, is a singular tribute to the character of General Lee and its influence upon American life and history. Mr. Bradford closes his studies with the

following remark: "I have loved him, and I may say that his influence upon my own life, though I came to him late, has been as deep and as inspiring as any I have ever known." And how many others now living, both in the South and in the North, could say the same!

The author's purpose is to give a series of studies of Lee, of his motives and purposes, his "psychography" as it is explained in an interesting appendix. We have, therefore, no biography, but a succession of illuminating pictures. And like Mr. Thomas Nelson Page, the Massachusetts admirer finds no dark places, no serious faults or errors in the character or career of the great general, and thus adds to the "Lee legend" while lamenting this tendency in others.

Lee has been unfortunate thus far in finding no biographer—for there is no life of Lee worthy of his great character and tragic career; this is doubtless due to the difficulty of such a task, the necessity of a combination on the part of the author of both military and historical training and of rare self-control in the use of evidence.

The most interesting chapters of the book—most of which appeared last year in the *Atlantic Monthly*—are those which treat of Lee's relations with Jefferson Davis, with Stonewall Jackson, and with the Confederate government. In these the point is made again and again that the general was so unlike other great men in similar positions that his career becomes unique in history. He could "manage" Jefferson Davis and tame Stonewall Jackson; he could fire the hearts of soldiers and participate heartily in camp-fire prayer-meetings; he maintained discipline and yet was never harsh; and at the head of a great army himself he looked with satisfaction upon his son as a private in an artillery company. Many, many unique traits are brought out in these studies, which the reader must peruse for himself if he loves that which is noble in human conduct.

At one point this fascinating book is not quite satisfying: the nature of the decision in April, 1861, when, in spite of the most alluring prospects, Lee resigned from the United States Army and took up the cause of the South. The author assumes that Lee was, like so many others in Virginia, indoctrinated with states'-rights ideas. The fact is that Lee's father was never a states'-rights man, notwithstanding the letter to Madison quoted by Bradford. "Light Horse" Harry Lee suffered at the hands of a Jeffersonian mob in Baltimore in 1813; Lee's mother was the daughter of a genuine aristocrat of Tidewater Virginia who paid slight attention to the Jeffersonian or states'-rights view of national politics; and Lee himself had been reared in the Washington tradition of Federalist thinking and dislike of Virginian politics. If there was a Southerner who was wholly out of the range of the states'-rights appeal in 1860-1861 it was Robert E. Lee. He did not believe in slavery as an institution, as Mr. Bradford brings out strongly, and he repudiated secession as sheer revolution.

Lee's decision, the "great decision" as the author states it, remains

an enigma, for Mr. Charles Francis Adams, the other authoritative student of the subject, has not found a better answer than has Mr. Bradford, though no one inclines as the years go by to renew the old charge of ambition and treason.

WILLIAM E. DODD.

*History of Reconstruction in Louisiana (through 1868).* By JOHN ROSE FICKLEN. [Johns Hopkins University Studies in History and Political Science, series XXVIII., no. 1.] (Baltimore: The Johns Hopkins Press. 1910. Pp. ix, 234.)

THE period of reconstruction has long been regarded by students as one of the most complicated, if not the most complicated period in our history; difficult in that so many adverse elements enter—elements as varied as the activities and motives of humanity. Whether on account of the inherent problems to be dealt with or whether our students are slow in taking up the threads of this complex period, the fact remains that it is only during the last decade that any studies of importance have been issued dealing with this particular phase of our history. A number of successful books, painstaking in detail, have been published, but hardly one with better claim of merit than that of Professor Ficklen's.

It is one of the distressing facts of life, met with almost daily, that those best fitted to begin and end a thing are cut down in the prime of their powers—and so it was with Professor Ficklen, whose life was taken before he had finished his labors.

In this connection, however, we have only applause for the work of Professor Pierce Butler, who served as editor in bringing out the volume. It was a work of love on his part to complete what his master had proposed.

Very rightly, of course, Professor Ficklen began his study with an excellent chapter devoted to the ante-bellum history of Louisiana. However, in our view, he did not go quite far enough, beginning his discussion with the period prior to the admission of Texas. He shows indeed the complexity of elements making up the political life of Louisiana, although he devotes no space to the Louisiana of the purchase nor to the formative period prior to the forties. The threads of Louisiana's political life were, from the very first, much tangled, and this undoubtedly accounts in large part for the perturbed course leading up to the Civil War, and through it and reconstruction; and even to this day we find some anomalous conditions in that commonwealth.

He handles Butler's administration in New Orleans without gloves, as it deserves to be. His high-handed course there, in many cases, outraged not only all the canons of accepted belligerency, but those of the finer canons in the code of decency as well. Quite a little new information has been brought to light through the professor's researches.

As for Banks, he bears very much better the light, and indeed, whatever his failings and weaknesses, he showed himself to have a much



clearer head in the matter of administration. He attempted, quite honestly, to enforce the President's scheme for reconstruction, and administered his office skilfully and with some concern for the right. It was not an easy undertaking, and it may be said that he disposed of complex problems with considerable success. Banks showed his foresight when he took the opposite side as against universal negro suffrage.

The convention of 1864, which resulted in the election of Hahn as governor, marked a long step in advance in the progress of Louisiana towards a reconstructed Union; but, after all, the question of the government of Louisiana during the war and immediately after, is about as intricate and unsatisfactory a question as can be approached. In truth, there existed hardly anything more than the semblance of government, so distracted and so cut up in sections were the people. With the limits of the Union's authority reaching scarcely beyond the bayonet and with the Confederate interests divided by the Mississippi River, the people could act for themselves only in very restricted communities. Thus the matter hung until the end of the war.

Immediately after the cessation of hostilities the problem of reconstruction under President Johnson was presented to the people. Satisfactory progress was being made when the Congressional strife was started; before very long everything was in a state of turmoil. It was at this time that Butler again appeared, winning notoriety for himself and his brother in further exploitations. The culmination was finally reached in the riot of July, 1866, which was seized upon by the radicals in Congress as sufficient reason to invoke a more strenuous procedure in the process of reconstruction. The programme was crystallized in the Reconstruction Acts of 1866-1867.

It was no small matter for the real rulers of Louisiana to recover the reins of power. With a voting population of 120,000, we find 80,000 negroes and Republicans with ballots in their hands, who could not have been defeated but for the action of the White Camelia and the Ku Klux. The so-called massacre of 1868, preceding the presidential election, was most confusing in character; and even Professor Ficklen is obliged to say that with the sworn statements of the participants on both sides before him it was extremely difficult, if not impossible, to obtain an accurate account of these conflicts. Thus matters went until after the election. The Seymour and Blair electors received 80,000 votes; the Grant and Colfax electors only 33,000 votes. The final result is too well known to warrant comment; and here the volume ends.

Several more strenuous years were destined to pass before equilibrium was restored, and it is regrettable that Professor Ficklen was not able to bring his work to a final conclusion. The general character of his discussion is scholarly and unbiased, in spite of the fact that he himself came out of a hotbed of Southern aristocracy. In a word, while the materials for the period in which he labored are complicated, confusing, and contradictory, the volume on reconstruction is a decided addition to

the literature of the time, giving us a clearer view of those years of turmoil and blood.

W. F. McCaleb.

#### MINOR NOTICES

*The Hindu-Arabic Numerals.* By David Eugene Smith and Louis Charles Karpinski. (Boston and London, Ginn and Company, 1911, pp. vi, 160.) The scope of this little work is well indicated by the titles of its eight chapters which are, respectively, as follows: Early Ideas of their Origin; Early Hindu Forms with no Place Value; Later Hindu Forms with a Place Value; the Symbol Zero; the Question of the Introduction of the Numerals into Europe by Boethius; the Development of the Numerals among the Arabs; the Definite Introduction of the Numerals into Europe; the Spread of the Numerals in Europe. A page is devoted to the pronunciation of Oriental names, and there is an index of eight pages consisting, for the most part, of the names of writers, ancient and modern, to whose books or articles reference is made in the body of the work. Various cuts illustrative of different forms of the numerals in different parts of the world and at different periods add both interest and value to the book.

In a subject like the history of the origin and development of our numerals where much is, and possibly always will be, obscure, it is very easy to accept as certain what is at best only more or less probable and to build theories on insufficient foundations. Our authors, however, have been careful to distinguish clearly between fact and opinion, and they have given a large number of references both to the older and to the more recent literature of the subject, thus enabling the careful student to weigh their conclusions, and also affording him much material for continuing his own researches.

The authors deserve the thanks of students for their valuable little book.

*Handbuch der Urkundenlehre für Deutschland und Italien.* Von Harry Bresslau. Erster Band, zweite Auflage. (Leipzig, Veit und Comp., 1912, pp. xviii, 748.) Since its publication in 1889 made generally available for the first time the results of two generations of diplomatic studies, Professor Bresslau's *Handbuch* has held an assured place among scholars. It is true that it no longer monopolizes the field, for Giry's excellent *Manuel—vortrefflich*, Bresslau himself calls it—appeared in 1894, and more recently the subject of diplomatics has been well treated in Meister's *Grundriss der Geschichtswissenschaft* and in the *Handbuch* of von Below and Meinecke; but none of these has superseded it. Giry's book, with all its convenience, follows the Benedictine tradition in giving a large part of its space to ancillary matters to the exclusion of important phases of diplomatics proper, and the last-named works are too brief to be adequate even within the German and Italian field, so that a new

edition of Bresslau meets a real demand. The abundant special studies of the past twenty years have been utilized with the judgment and discrimination which were to be expected, and in fields where investigation has been most active, as in the case of the papal and imperial chanceries, the treatment has been considerably expanded. Such indeed has been the necessary enlargement that the present volume includes only the first nine chapters of the work, dealing with the history and definitions of diplomatics, the conditions under which documents were issued and preserved, and the history of the chanceries, where the detailed lists of officers are of special value. Other topics are reserved for elaboration in the long-expected second volume. In the continuation of his work it is to be hoped that Professor Bresslau will show himself more catholic than his predecessors by giving greater attention to the less formal types of chancery documents, such as *mandata*, and to documents issued by other bureaus than the chancery. Diplomats has long been dominated by the study of the formal charters with which it began, and has neglected other types which are often of greater interest to the historical student because of the light they throw on the workings of administration. A department like the papal penitentiary, for example, is quite as susceptible of diplomatic study as the chancery, and within its sphere quite as interesting, and the acts of royal officers are often as important as those issued under the king's seal.

Effort has been made in the addenda to keep the work abreast of the literature which appeared while it was passing through the press. We note, however, that the value of what Hugo Falcandus has to say about the Sicilian chancery (p. 167, n. 2) is increased by the arguments which Besta has brought forward to show that he was a member of the *curia* and probably a notary. It has also been shown that the south-Italian list of military tenants (p. 168, n. 1) is, in its original form, clearly earlier than William II.

CHARLES H. HASKINS.

*The Religions of Modern Syria and Palestine.* Lectures delivered before Lake Forest College on the Foundation of the late William Bross. By Frederick Jones Bliss, Ph.D. (New York, Charles Scribner's Sons, 1912, pp. xiv, 354.) Anything like a complete and uniform treatment of Dr. Bliss's subject would call for three or four such volumes as this and a writer who combined a knowledge of the history of the Greek and the Oriental churches, of Oriental Judaism, of Moslem theology and law, and of primitive nature-worship. Dr. Bliss is, in the first instance, a field archaeologist, yet in spite of limitations of both space and knowledge he has turned out a very interesting and fairly satisfactory book.

To this rather remarkable achievement he has been aided principally by three things. Syria was his birthplace and he has been resident there for a large part of his life; in consequence he knows all sects and

classes of the population at first hand, though, of course, not necessarily as a scholar. Secondly, he has by nature a most catholic religious sympathy. In the queerest developments and jumbles of theological history he can find the working of the one Spirit. And, thirdly, he has been generally, but not uniformly, fortunate in his choice of books of reference.

After a picturesque introductory historical chapter he deals with the eastern Christian churches in details of history and ritual. This is by far the best part of his book (pp. 35-170) and is to be heartily commended. On one point he has labored at length as it has been much misunderstood even by professed students of church polity. The Patriarch of Constantinople has no supremacy over his fellow-patriarchs. He is only *primus inter pares*; on that point Dr. Bliss secured formal official statements. Also his account of recent nationalist movements in the Syrian churches covers history not easily to be found elsewhere. Worthy of especially careful reading, too, are the pages (4-7) on the value for the West of the Oriental religious attitude.

The next large section of the book (pp. 171-294) is given to Sunnite Islam. Here Dr. Bliss has certain grievous handicaps. The origins of the institutions of the Christian East are open to every student of the early Christian church. He goes through, as a matter of course, the Christological controversies of the first four centuries. The preceding Greek world must also be known to him. But the Moslem Orientalist must go to school again and slowly learn a new world and civilization from its beginnings. Familiar contact with modern conditions may help to this knowledge but cannot take the place of specific training. Such training Dr. Bliss plainly has not had. Yet, though he stumbles, his account is wonderfully good. He is not misled by the one-sided denunciations of Palgrave and Zwemer, because he has actually known the people and seen the religion that is in them. On the dervishes, those common butts of ignorant ridicule, he is especially and sympathetically strong. They are emphatically the vehicle, though sometimes corrupt and often inadequate, of the religious life in Islam.

On pages 294-312 there is a hasty, but suggestive, scramble over all the other religions and sects. This is very unsatisfactory, but there is a half promise in the preface of another volume to cover the Jews (here three pages!), the Druses, the Nusairiya, and the Ismā'iliya. A final chapter (pp. 313-335) on the influence of the West puts mission-work freshly and well.

D. B. MACDONALD.

*The Early Chronicles relating to Scotland.* Being the Rhind Lectures in Archaeology for 1912 in connection with the Society of Antiquaries of Scotland. By Sir Herbert Eustace Maxwell, Bart., LL.D., D.C.L., F.R.G.S., Pres. Soc. Ant. Scot. (Glasgow, James MacLehose and Sons, 1912, pp. xiii, 261.) In these lectures Sir Herbert Maxwell

discusses the sources of Scottish history from Tacitus's *Agricola* to Wytoun's last entry in the *Orygynale Cronykil* (1406). As the discussion is limited to such chronicles as are contemporary or nearly so, the author finds little to say about native Scottish writings: excepting Adamnan's *Life of Columba* and the two twelfth-century chronicles of Melrose and Holy Rood, all the Scottish annals written before 1300 have perished. The great chronicles of the fourteenth and fifteenth centuries were built chiefly from the notices of Scottish affairs that appear in the English sources. Sir Herbert's work is therefore almost exclusively devoted to an examination of the great medieval annalists and historians of England, though some attention is also given to Irish annals and Norse sagas. His particular task is to determine how far these writers may be regarded as trustworthy, and "to determine the most probable line of truth among conflicting statements". The author's conclusions on disputed points are interesting, though not always convincing. He believes with Dr. Skene that King Arthur was a North Briton from Strathclyde. He locates the battle of Brunanburh at Barnbrough in Yorkshire, thus disagreeing with Hodgkin and Oman who favor Brunswark on the Solway. The supreme problem, however, is the old question of feudal dependence upon England. As a patriotic Scotchman, the author finds it easy to reject every suggestion of vassalage, except for a short period (1175-1189) when William the Lion was the reluctant vassal of the English king. All other references to homage are explained as concerned with land outside the ancient limits of Scotland, either in England or on the border. The author's arguments are usually sound and always stated in a friendly and genial spirit. His work will be found both interesting and useful. However, a preliminary study of recent historical writings in England would have improved the lectures on many minor points. Alfred probably had not expelled the Danes "from the whole of England south of the Humber in 897", and he did not die in 901 (p. 105). Archbishop Thurstan did not "support" King David in his invasion of 1138 (p. 150); his attitude was quite the contrary.

LAURENCE M. LARSON.

*Franciscan Essays.* By Paul Sabatier and others. [British Society of Franciscan Studies, extra series, vol. I.] (Aberdeen, The University Press, 1912, pp. vii, 123.) This volume is the first of an "extra series" issued by the British Society of Franciscan Studies in the sense that they are outside the editions of texts which form the principal work of the society. It comprises seven essays on different questions of considerable interest to students of early Franciscan history, written by scholars who have come to be recognized as "specialists" in this particular field. Paul Sabatier opens the volume with a contribution in French entitled "L'Originalité de Saint François d'Assise" (pp. 1-17), in which he tells us that "the great originality of St. Francis was his Catholicism". Father Cuthbert, O.S.F.C., follows, and his article on St. Francis and

Poverty (pp. 18-30) is full of suggestiveness for the right understanding of the difficult question of Franciscan poverty. Father Paschal Robinson, O.F.M., next deals with St. Clare (pp. 31-49) whose life-story, so full of beauty and pathetic interest, is most intimately associated with that of St. Francis. In Joachim of Flora and the Everlasting Gospel, Professor Edmund G. Gardner writes most informingly (pp. 50-70) of the Calabrian visionary who was in some sort the precursor of the religious revival wrought by St. Francis. Franciscans at Oxford are then dealt with (pp. 71-87) by Professor A. G. Little, who is singularly well fitted to discuss this topic of perennial interest. Under the title of "A Franciscan Mystic of the Thirteenth Century" Evelyn Underhill treats (pp. 88-107) of the Blessed Angela of Foligno, a Franciscan Tertiary, who from a disorderly life came to earn the title of "Mistress of Theologians". The concluding essay (pp. 108-123) by Miss E. Gurney Salter is on Ubertino da Casale, who in the early fourteenth century was renowned alike as a mystical writer and as a champion of the "Spiritual Franciscans". Altogether the present volume is a thoroughly good piece of work for which the hearty thanks of all scholars are due to the British Society of Franciscan Studies.

*The English Provincial Printers, Stationers, and Bookbinders to 1557.* By E. Gordon Duff, M.A. [The Sandars Lectures, 1911.] (Cambridge, University Press, 1912, pp. ix, 153.) Mr. Duff's latest bibliographical volume will be read with interest by all lovers of early printed books. His present subject, if somewhat difficult, is also very fascinating—a subject in which further study may be rewarded with fruitful discoveries. The work is composed of four lectures delivered at the University of Cambridge. At the close are two appendixes, the first giving a list of all the books at present known, printed by the English provincial printers or for English provincial stationers before 1557; the second, presenting a list of authorities to be consulted. Four carefully chosen plates, representing the title-pages of as many scarce early English printed books, serve as illustrations. Though intended only as a "brief survey", this volume is a real addition to the literature of the subject, since it contains valuable observations, criticisms, and information accumulated by Mr. Duff at first hand in England's best libraries, as well as many facts which otherwise would have to be sought for in various scattered publications, but which have here been gathered together, co-ordinated, and made easily accessible.

In closing we may note that on pages 113 and 114 Mr. Duff seems to suspect some confusion in the date assigned by Herbert to a book entitled by him *The Dialogue between the Seditious Anabaptist and the True Christian*. We feel certain that Herbert has not only made a mistake in the date, but that, as often is the case with the early bibliographers, he has also given the title of the book inaccurately. Mr. Duff would have done well, we think, to have made only secondary reference



to Herbert, to have given the title and date of the work as they occur in the Bodleian copy, and to have omitted in Appendix I. all reference to the mythical edition of 1549.

CHAMPLIN BURRAGE.

*Étude sur Jean Duvergier de Hauranne, Abbé de Saint-Cyran, 1581-1643.* Par J. Laferrière, Docteur en Philosophie, Docteur en Sciences Morales et Historiques, Professeur au Séminaire de Saint-Hyacinthe (Canada). [Université de Louvain, Recueil de Travaux publiés par les membres des Conférences d'Histoire et Philologie.] (Louvain, Bureaux du Recueil; Brussels, A. Dewit; Paris, A. Picard et Fils, 1912, pp. viii, 239.) One has learned to expect excellent work from the historical group at the university of Louvain when the subject is one of a secular nature. Unfortunately numbers of the volumes of this admirable series pertain to subjects of religious controversy and are strongly tinged with that interpretation of history peculiar to a Jesuit environment. The present book is of the latter class. The main thesis—that Jansenius owed much to Michel de Bay, or Baius, and more to the Abbé de St. Cyran (pp. 18-22) is well sustained. Hauranne, who was a man of intellectually adventurous type like Servetus and Giordano Bruno, undertook to expound certain passages of St. Augustine upon which the Church had reserved judgment (p. 32). This presumption stirred the wrath of the Jesuits of his time and M. Laferrière echoes their condemnation (pp. 32-33). He has a piteous scorn for this man who had "une tendance naturelle à dédaigner l'opinion des autres" (p. 41), i. e., for one who rebelled against the doctrine of authority.

It must be admitted that St. Cyran, like other radicals, had a genius for getting into hot water. The record of his controversies is interesting. He sustained the right of suicide in a controversy which had a most eccentric origin; ridiculed the Church's horror of the effusion of blood in a curious essay upon the fighting bishops of the Middle Ages; and defended the satirical poet Théophile de Viau against the charge of skepticism for writing a hymn to nature, for which the reactionary party that ruled after the death of Henry IV. had him condemned to be burnt! The author seems to have omitted to examine Frédéric Lachèvre's *Le Libertinage devant le Parlement de Paris: le Procès du Poète Théophile de Viau*, published in 1910. Jansenism, which most historians regard as a manifestation of the spirit of free inquiry, is represented in these pages as aiding "le flot de libertinage qui menaçait d'entraîner toute la jeunesse de l'époque" (p. 70); its maxims are "néfastes" (p. 202).

"Mais, réactionnaire contre l'esprit de son siècle, il [St. Cyran] a dépassé les justes limites, et au lieu de faire le bien qu'il visait, il a fait le mal que l'on sait. Son intervention a eu pour résultat d'entraver le magnifique élan de réforme religieuse qui, dans la première moitié du XVII<sup>e</sup> siècle, faisait jailler partout des sources nouvelles de vie chrétienne" (p. 206).

The author's ultra-Catholic point of view comes out clearly in his judgment of men and events under Richelieu. The great cardinal is an ingrate for his treatment of Marie de Medici—an opinion which, perhaps, may be passed; Marie de Medici is an abominably wronged woman; France is reduced to “une servitude générale”; Richelieu's alliance with Gustavus Adolphus is an “alliance impie”, and Queen Elizabeth is portrayed in the language of Father Parsons and others of his sort. To the average reader probably the account of the influence of Jansenist educational ideas will prove of greatest interest. Their chief reform was in the method of teaching Latin and Greek. Latin was completely abandoned for French as a language of communication; instruction was oral and only limited space was given to theme and composition. The Jesuits vigorously opposed the new pedagogy. But Bossuet, Fénelon, and Fleury advocated it and in 1716 the university adopted it.

*A Biography of Thomas Deacon, the Manchester Non-Juror.* By Henry Broxap, M.A. [Publications of the University of Manchester, Historical Series, no. XI.] (Manchester, University Press, 1911, pp. xix, 215.) Mr. Broxap remarks in his preface that, “It would be strange indeed if nothing of interest could be written on the life of a man who was closely associated with both the '15 and '45: who lived on terms of great intimacy with the first medical men of the day, and was himself a practitioner of no mean order: who enjoyed the friendship of John Byrom and William Law: who actively engaged, and certainly not without knowledge, in the controversy concerning the ‘Usages’ and who may be said, in a word, to embody in his own person the latest developments of the non-juring movement.” At the risk of seeming ungracious the reviewer is bound to remark that the author has achieved the marvel. After recognizing his diligence in collecting facts and his painstaking accuracy in minutiae, which Bardo di Bardi defined as “the very soul of scholarship”, no more can be said in commendation of his work. He has written a life of Thomas Deacon more complete than that which appears in the *Dictionary of National Biography*, he has contributed some new facts regarding Deacon's birth and parentage, he has added somewhat to our knowledge of the controversy between the “Usagers” and “Non-usagers”, and has given us more or less brief biographical notices of every man, however obscure, who appears in his pages, but to embody all this in a volume of the *Historical Series* of the University of Manchester is very like burning the house to roast the pig. Here is a sample of what Mr. Broxap regards as important and amusing. It is an extract cited from *Manchester Politics*, a dialogue between Mr. Trew-Blue and Mr. Whig-Love.

“Mr. W. Sir, pray, where do you come from?

Mr. T. Manchester.

Mr. W. What are you?

Mr. T. A Tory.

Mr. W. Pray speak out, be free.

Mr. T. Sir, all I can say is I am a Tory and a Manchester Tory, and if that won't satisfy you I don't know what to say to you."

He assures us that "the whole dialogue", of which this is apparently the cream, "is well worth reading". Another valuable bit is reproduced from "Leaves in a Note Book" made in 1842 by Mr. G. P. Kerr: "Mr. Sudlow informed me that a Mr. Walton married a daughter of Dr. E. E. Deacon, who had been educated in a convent on the Continent: he remembered that she had long yellow hair." We have to take the author's word for it that Deacon might have become "a famous theologian, a distinguished physician or a great bishop"; but the fact is certain that he passed "his time in a little backwater of the stream of life". Such being the case, one concludes the perusal of this fine specimen of the printer's and binder's art with the query *cui bono*?

A. L. C.

*La Fin des Parlements, 1788-1790.* Par Henri Carré, Professeur d'Histoire à l'Université de Poitiers. (Paris, Hachette et Cie., 1912, pp. xxi, 382.) The opposition of the French parlements to the government precipitated the revolutionary crisis of 1789. To understand the rôle played by these judicial-political bodies in the last years of the monarchy is a *sine qua non* to an understanding of the early Revolution. No writer has contributed more to the solution of this problem than M. Carré. For the last twenty-five years he has been a regular contributor to French reviews and publications of learned societies and as a rule his contributions have dealt with some phase of the relation of the parlements to the Revolution. Much of this material was utilized in his volume on Louis XVI. in Lavissé's *Histoire de France*. The present volume is not a synthesis of his previous articles but an additional monograph. After a description, in the first chapter, of the character, fortunes, social rank, and political rôle of the magistrates on the eve of the Revolution, M. Carré deals with the attitude of the parlements toward the States-General in the fall of 1788, their part in the elections of 1789, and in the estates of that year. In the following chapters, he describes the treatment of the parlements by the National Assembly, the *mise en vacances*, the formation of the new judicial system and the abolition of the parlements, the liquidation of offices, the counter-revolutionary tactics of some of the magistrates, the emigration of a third of the twelve hundred members of the old courts, the executions and, with the establishment of the empire, the entrance into office of a large part of the survivors of the old courts. It is a sober, carefully written narrative, one for which all of those concerned with the Revolution will feel grateful and of which they will make frequent use. The bibliography is very full, M. Carré having used both manuscript and printed sources. One noticeable omission from the secondary works is that of Wahl's *Vorgeschichte*. Among the sources, the division devoted to correspondence might be materially strengthened by the addition of the despatches

of the English, Venetian, and Parmesan ambassadors, and the letters of Duquesnoy, Biauzat, and a number of others, all accessible when M. Carré wrote. A very effective use has been made of a large collection of contemporary pamphlets. Here and there the critical work is not all that could be desired: as in the use of insufficient proof or in choosing a poorer source when a better was at hand; in using the *Moniteur* for 1789 instead of the sources from which the editors drew; in repeating without control Brette's unsound criticism upon the bulletins of a secret agent found in the French Archives of Foreign Affairs; and in the failure in the bibliography to arrange the titles in alphabetical order. The same period has already been twice treated; in a superficial way by Glasson, whose account rested almost wholly upon Bachaumont, and by Seligman, who approached the subject from a different point of view. Carré's volume forms an excellent supplement to Seligman's work.

*Le Gouvernement Révolutionnaire, 10 Août 1792-4 Brumaire an IV.* Par Paul Mautouchet, Docteur ès Lettres, Professeur à l'École Lavoisier. [Collection de Textes sur l'Histoire des Institutions et des Services Publics de la France Moderne et Contemporaine, publiée sous la direction de M. Camille Bloch, Inspecteur Général des Bibliothèques et des Archives.] (Paris, Édouard Cornely et Cie., 1912, pp. 406.) This is the second volume of the collection, the first being M. Marion's *Les Impôts Directs sous l'Ancien Régime*. The texts which it contains are designed to explain primarily the structure of the revolutionary government during its three stages: from the overthrow of the monarchy, August 10, 1792, to the passage of the law of the 14 Frimaire an II, December 4, 1793; from that time to the fall of Robespierre on the 9 Thermidor an II, July 27, 1794; and from the 9 Thermidor until the establishment of the Directory on the 4 Brumaire an IV, October 26, 1795. Other texts explain the measures of repression which were adopted to reduce the opponents of the government to submission or to destroy them, while still others illustrate the actual operation of the régime. To make clear the influences which resulted in decrees especially important, like those of October 10 and 14 Frimaire, a few reports presented in the Convention are inserted. In each part of the collection is also a division of "pièces annexes", which show the practical application of the decrees in different localities. One of these is a "questionnaire" containing the replies of officials in a district of the Department of the Sarthe. There is a marked contrast between the tone of the questions, in the inflated style of the mid-revolutionary period, and the common sense and sobriety of the responses. These, brief as they are, reveal interesting features of the situation, particularly as regards the enforcement of the Maximum laws and the attempt to "extinguish fanaticism". The documents are chosen judiciously and well edited. Of course, questions of judgment arise as to what should be included in such a collection and as to what articles of particular decrees may be omitted. In printing the decree of March

28, 1793, upon the "Émigrés" M. Mautouchet has omitted sections 2, 7, and 8, which embody the principal aim of the decree, namely, confiscation of the property of the emigrants, and without which the decree leaves the impression of being conceived in the spirit of righteous vengeance upon traitors. M. Mautouchet has prefaced the collection of texts with an introduction of one hundred and thirty-nine pages, containing a clear and well-balanced exposition of the revolutionary régime. Especially illuminating are the passages on the manner in which the decrees were carried into effect. It is too often assumed that when a decree is adopted, it is obeyed as promptly as an order on the parade ground, but M. Mautouchet points out that in many places a decree so important as that of the 14th Frimaire did not become effective for weeks, either because the local authorities were not informed or because they could not overcome the difficulties arising from the local situation. At the close of the volume is a carefully selected bibliography.

H. E. BOURNE.

*La Censure en 1820 et 1821: Étude sur la Presse Politique et la Résistance Libérale.* Par Albert Crémieux, Agrégé d'Histoire et Géographie, Docteur ès Lettres. [Bibliothèque d'Histoire Moderne.] (Paris, Édouard Cornély et Cie., 1912, pp. iii, 195.) The assassination of the Duke of Berry in 1820 terminated brusquely a political crisis which had been developing since 1816 and terminated it in favor of the Ultra-Royalists and against the Moderate Liberals who until then had had the upper hand and who appeared likely to be able to impose their doctrines definitively upon France. Enough Moderates were, by that crime, thrown into the camp of the Ultras to give them the final victory and then began that hazardous line of conduct which led to the Revolution of 1830 and the final overthrow of the legitimate monarchy. One of the first and most significant acts of the new party was the passage of a press law on March 31 and the issuance, on the day following, of a royal ordinance completing it. It is the application of this new law, which aimed to suppress all liberal propaganda, and which, to that end, re-established a preliminary censorship for all newspapers and periodicals, that forms the subject of this monograph. There was immediately established in Paris a general Board of Censors and, in most of the departments, special boards were appointed, whose duty it was to censor the contents of every newspaper before its publication.

M. Crémieux's work is based upon documents preserved in the Archives Nationales, namely, upon the minutes of the meetings of the supervisory board in Paris and, particularly, upon the reports sent up to it by the departmental boards. The latter are of great interest and enable the author to present a reasonably full and a very precise account of the agitation aroused in France by the return of the Ultras to power. The first describes the application of the law in Paris and then its application in a large number of departments and does it largely by letting the

documents tell their own story, quoting from them so liberally that the book is practically a source-book.

This monograph is admirably constructed, treats an important aspect of the history of France at a significant period, and is both instructive and entertaining. The harassing vigilance and preternatural fearsomeness of the censors, their marvellous sense of what might prove dangerous to throne and altar, which apparently did not include a sense of the ridiculous, were matched by the resolution and Protean ingenuity of many of the editors, while others were entirely docile. The vicissitudes of the sorry fray are amply shown. The spirit in which this system of obscurantist *tracasserie* was administered may be seen in brief in the reports of the censors of Isère (pp. 126-144).

The result of the system was the retardation of the very promising development of the French press and the driving of all liberal propaganda into the subterranean and tortuous channels of secret societies and conspiracies.

CHARLES DOWNER HAZEN.

*La France sous la Monarchie Constitutionnelle, 1814-1848.* Par Georges Weill, Professeur à l'Université de Caen. Nouvelle édition revue et corrigée. (Paris, Félix Alcan, 1912, pp. 311.) This little volume, a revision of one which appeared in 1902, is the work of a scholar who has won high repute by a number of substantial contributions upon important phases of French nineteenth-century history, most of them dealing with social and intellectual matters. The author aptly describes the book as a "tableau général, destiné à fournir une vue d'ensemble sur la vie de la nation française entre 1814 et 1848". As such it is mainly devoted to description and interpretation. Familiarity with the course of events being assumed, the narrative element is in general very slight and for some portions of the period almost entirely lacking. The descriptions, though sometimes deficient by reason of their brevity, are in general admirably done. But it is especially as a work of interpretation that the volume challenges attention.

The period from 1814 to 1848 is a singularly difficult one to interpret. Its real significance is apt to be lost sight of and partizanship is not easily avoided. M. Weill overcomes both difficulties in remarkably large measure. He depicts the period in its economic aspect as marked by the inauguration of profound changes, which, however, until later did not proceed far enough to alter fundamentally the general character of French society from the form which it assumed through the changes effected by the Revolution; while in the domain of ideas it was distinguished in its earlier years by the final conflict between the *ancien régime* and the Revolution and in its later years by the development of the conflicting conceptions of French conservatives and progressives over the larger and more important questions which still divide them. A large knowledge of the men and the writings which best represent



the two schools of thought in their many subdivisions, together with an unusual ability to enter into sympathetic understanding of their aims and environment, enables the author to make his treatment of the social philosophy of the period of exceptional value.

The method of treatment is topical. Two chapters are devoted to politics and one each, covering the entire period, to society, religion, literature and art, economics, and social philosophy. This arrangement, though doubtless convenient for the topics taken separately, seems unfortunate in two particulars. There was then, as the author shows, an exceptionally close connection between several of these subjects, while 1830 constituted for a surprisingly large number of matters the dividing line between sharply contrasted periods. There is a short but judiciously selected bibliography. A very large proportion of the foot-notes are citations to works which have appeared since the date of the first edition, but unfortunately there are few page references. An occasional acceptance of doubtful *mémoire* authority is the only serious defect in method of investigation which the reviewer has noted.

FRANK MALOY ANDERSON.

*Three-Quarters of a Century (1807 to 1882): a Retrospect written from Documents and Memory in 1877-1882.* By Rev. Augustus J. Thébaud, S.J., edited by Charles G. Herbermann, LL.D. [United States Catholic Historical Society Monograph Series.] Volume I., *Political, Social, and Ecclesiastical Events in France.* (New York, The United States Catholic Historical Society, 1912, pp. 334.) The author of this book of recollections "written from documents and memory" was a French Jesuit father who came to America in the third decade of his life and spent here the rest of his career, first as a teacher of sciences, and, later, as a rector in various Catholic colleges. He died in 1885. Between 1877 and 1885 he wrote a *retrospect* covering his early education in France, his life in Rome, and his forty years in America. After his death these recollections were published in the reverse order of their composition. Thus we get last the first volume dealing with "political, social and ecclesiastical events in France" during the declining days of the empire, the restoration and the reign of Louis Philippe.

Father Thébaud was born in Nantes, in 1807, of humble parents, whose profession he forgets to mention. He was brought up by ecclesiastical teachers, entered a seminary, was ordained a priest, and was, for a short time, at the head of one of the poorer parishes of his native city. He lived thus exclusively in the atmosphere of legitimist and Catholic Brittany.

It is doubtful whether the early impressions and pseudo-recollections of an unsophisticated boy, shut up in schools and churches, can be of great value to the historian. Except for some personal observations on Breton public opinion, as he witnessed it at critical moments, for instance in 1815, 1825, and 1830, this book contains only second-hand and

hearsay information on the great events of which Brittany was the theatre, and these are all colored by the narrow and uncritical prepossessions of an immature priest surrounded by the survivors of the Vendean party. The only historical event in which the author seems to have played even a secondary and indirect part relates to the flight of the Duchess of Berry to Nantes, in 1832.

Valueless and inaccurate as they often are, in dealing with historical events, these memoirs however may not be without interest for the study of conditions in one of the provinces of France where legitimate monarchy had its strongest hold. They are especially curious in revealing the kind of education given then in Catholic seminaries, the mentality of the priesthood and the nobility, with their pious horror of liberalism, Gallicanism, Jansenism, and the opposition, so deeply marked at that time as well as to-day, between what a recent writer called "the two Frances", the France of the *ancien régime* and the France of the Revolution. Misprints in proper names are much too numerous, and French words are often misspelled. As a sample of the untrustworthiness of the historical statements, one need but refer to the paragraph on Fouché (p. 247), and the curious blunder on the meaning of the word Institut de France, which the author seems to take for a school, founded by the Directoire.

OTHON GUERLAC.

*La Politique de l'Équilibre, 1907-1911.* Par Gabriel Hanotaux. [Études Diplomatiques.] (Paris, Plon-Nourrit et Cie., 1912, pp. v, 449.) This is a collection of studies in grand politics, by M. Hanotaux, once Minister of Foreign Affairs under the tricolor. All the articles are reprinted without change from the *Revue Hebdomadaire*, where they appeared between 1907 and 1912. They cover a wide range of topics, from the Hague Conference to France in America, with an occasional chapter upon British politics and policy thrown in for good measure. But the main interest of the book centres in the working of the Triple Alliance and the Triple Entente, in their Turkish and Persian relations on the one hand, in Morocco and the Congo, on the other. Thus the Agadir incident, the negotiation between France and Germany resulting, and the territorial barter of November 4, 1911, which settled the matter, are in the nature of a climax. Against this settlement (a free hand in Morocco so far as Germany could give it as against a considerable extension of the German Cameroon colony at French cost) M. Hanotaux enters an almost impassioned protest. Moreover, he ascribes it to the ineptitude of the Triple Entente and in fact to British indifference to French interests and inclination to make her own bargain. This is the most interesting part of the book, though not the most convincing. It is natural for an *ancien ministre* to criticize the altered policy of his successors. It is easy to preach the value to France of holding the balance of power between the allied central European states and a make-

weight. The weakness of the argument lies—in the writer's opinion—in M. Hanotaux's failure to realize how completely the military breakdown of Russia in the Japanese War, her added debt, and the wiping out of her navy, have changed the old balance. Is it not a reasonable conclusion that France without an English backing would be far from holding a balance of power? And should not M. Hanotaux criticize not the Triple Entente but the French ministry for not relying sufficiently upon it, and for yielding so much when Germany rattled her sword?

However this may be, M. Hanotaux, with much charm of style and felicity of illustration, stimulates the student. Some of his ideas are most suggestive; as where he says that special privilege disappeared in England during the Victorian era, as it had done in France during the Revolution. He asks how it will affect the racial balance under the Austrian crown, to add two to three millions to the Slav element, apropos of Bosnia. He sees in Austrian aggressiveness in the matter of Bosnia, a revival of the Triple Alliance in a changed, more active form. Then Austria having had her mouthful, Germany comes again to the trencher.

M. Hanotaux's appreciation of King Edward VII. should be set alongside of Sidney Lee's biography. It has a curious and fanciful comparison between Edward and Louis XIV., and much more to attract the reader. The disadvantage of reprinted political essays is that, being originally opportunist, they lack a sense of proportion, and that, involving a certain amount of prophecy, they inevitably involve also a certain amount of prophetic discredit. For politics is not an exact science.

T. S. WOOLSEY.

*List of the Revolutionary Soldiers of Virginia.* Special Report of the Department of Archives and History for 1911. By H. J. Eckenrode, Archivist. (Richmond, Virginia State Library, 1912, pp. 488.) This is the fullest list yet compiled of the Revolutionary soldiers of Virginia, but it does not profess to be complete. The archives of the War Department in Washington, completely closed, until a few months ago, to historical investigators, yet remain to be examined, and it is likely that other material will turn up from time to time in unusual and out-of-the-way places. This list is therefore "the first stage of a work to be continued for many years and brought to a conclusion only when the sources of Virginia Revolutionary history shall have been completely explored". That the "first stage" of this work is well advanced is evidenced by the fact that the present list contains somewhat over 35,000 names. The introduction by Mr. Eckenrode is a valuable contribution to the discussion as to the number of soldiers furnished by Virginia. While "unwilling to risk a guess", at the present time as to the number of soldiers, Mr. Eckenrode points out that the number was very large in proportion to the white male population, and he believes that it will eventually be shown to have been larger than the estimates hitherto made. Such a work as the Department of Archives and History has here produced is

of far more than mere genealogical interest and both the library and the State of Virginia are to be congratulated upon it.

*From Freedom to Despotism: a Rational Prediction and Forewarning.* By Charles M. Hollingsworth. (Washington, the author, 1910, pp. vii, 238.) The author of this book concurs in the belief which is said to have been expressed by the late Professor William Graham Sumner, that the American republic will not last longer than 1950. For this gloomy prophecy he advances not primarily the moral failings which are almost universally assigned as the causes of the downfall of republics in the past, but rather "the transformation of the national character and the demands for arbitrary methods of government that are resulting from changes that are already under way and will soon become much more pronounced, in the national economic conditions of life".

The gist of his argument is as follows. Forms of government are determined ultimately by economic causes. Free, or constitutional, systems of government have had as their basis of origin and maintenance a state of active economic development, and have only endured so long as such development continued; under economic fixity, which follows the completion of such development, government has always assumed an autocratic or despotic form. Economic concentration develops on the one hand an economically dominant class, and on the other hand an economically subordinate class: each of these classes is inimical to democratic government. American economic development is now approaching completion. Hence American democracy tends to give place to a modernized Caesarism. The same tendency toward despotism as the consequence of growing economic fixity is to be observed in other free governments, and presages an era "in which despotic government will be practically universal". In illustrating this tendency toward Caesarism, stress is laid upon the augmentation—on popular demand and through popular support—of the powers of executives at the expense of those of law-making bodies, for example, in Ex-Governor Hughes's achievement in forcing the enactment of law creating the Public Utilities Commission.

The thesis that popular government finds its economic basis in "the prevalence of economic conditions which are favorable to independent or independently-associative modes of livelihood" is ably set forth. In the face of the revolutionary industrial changes of even the past score of years the evidence that "American economic development is now approaching completion" is thoroughly inconclusive, and prophecy based on that assumption is peculiarly hazardous. In contrast with the development of "free governments" of earlier centuries, the destiny of twentieth-century republics is being conditioned by a higher standard of living, a broader suffrage, vastly enlarged educational opportunities, and new processes by which the voter takes part directly both in electing (and "recalling") officers and in enacting laws. To these influences the author has given too scant consideration.

*George Wallace Jones.* By John Carl Parish. [Iowa Biographical Series, edited by Benjamin F. Shambaugh.] (Iowa City, State Historical Society of Iowa, 1912, pp. xii, 354.) This is the seventh number in the *Iowa Biographical* series, and the third one of which Mr. Parish is the author. It very appropriately presents a character representing the minority pro-southern element and sentiment of the period of early Iowa history (1838-1860). This particular volume departs from the general run of the series in devoting only about one-fifth of its three hundred and fifty pages to a biography by Mr. Parish, and nearly three-fifths to the autobiography and personal recollections of Senator Jones himself. The autobiography will be found of considerable value to the student of detailed Iowa history, and to the historian of the national "spoils system" and its practical workings. But the general student of history will be disappointed in finding in the entire two hundred and more pages of autobiography and recollections only one half-line mention of the great slavery controversy of the years 1844 to 1860, and still less consideration of the other great public questions of this "middle period" of our history. In fact, the autobiography amounts to little more than a very naïve and at times fairly fascinating exposé of the inner operations of the pre-war system of federal patronage, with occasional illuminating glimpses of the less-known personal characteristics of leading public men from Clay to Lincoln. One regrets to find the introductory biographical sketch adding little beyond a few connecting details, and rather detracting from the reader's impression of the strength and influence of Senator Jones as gained from the autobiography itself. On the other hand, the original materials have been most carefully edited, and the numerous errors of memory on the part of the autobiographer have been most satisfactorily checked up from other and more reliable contemporary sources. In typography, absence of textual error, and excellence of indexing, the volume fully measures up to the high standard already set by the earlier numbers of the series.

CLARK E. PERSINGER.

*Edward Fitzgerald Beale: a Pioneer in the Path of Empire, 1822-1903.* By Stephen Bonsal. (New York and London, G. P. Putnam's Sons, 1912, pp. xii, 312.) The name of Edward Fitzgerald Beale will suggest little to most of the readers of this book. His public career was ended forty-odd years ago, and was run generally among that crowd of subordinates who work under direction, and write the reports which others sign. It was, however, a life full of interest in its associations with the forces of the far west from the Mexican War to the completion of the Pacific railways. As surveyor, Indian official, and traveller, Beale acquired an intimate knowledge of the west, particularly that part of it south of the Platte trail. He crossed it repeatedly, on business, or in charge of parties of survey and exploration.

Among the episodes which this biography chronicles are the Mexican War, the discovery of gold in California, and the organization of the California Indians. Beale saw fighting in the first of these as a part of Kearny's Army of the West. In 1848 he brought an early sample of California gold to Washington. He became Indian superintendent for California and Nevada in the administration of Fillmore, with the patronage of Benton. As pathfinder, he made surveys along the thirty-fifth and thirty-eighth parallels, and reached conclusions respecting railway routes. It was he who suggested to Jefferson Davis the possibility of acclimating the camel in the southwest, that it might become the beast of burden of the American Desert, and he directed the resulting experiments with the herd that David Porter brought from the Levant in the *Supply* in 1856. During the French intervention in Mexico he interested himself in the acquisition of Lower California by the United States, and aided in sending arms to the Juarez government. In his later life he worked his extensive ranches in California, spent a year in the diplomatic service, and lived an affluent and honorable old age.

This biography, compiled by Stephen Bonsal, and copyrighted by Truxton Beale, appears to be the work of filial piety. It runs along in a tone of unwavering laudation. It collects from the government documents, the letters and reports that Beale wrote in the course of business, and prints from them excerpts that stretch to more than half its length. There is no evidence that Mr. Bonsal has any more knowledge of the subject, or of the stage upon which his hero moved, than his immediate documents forced upon him. He does not mention any considerable collection of manuscripts as having been made available for his use. He does not know that the Beale journals, interesting though they are, are matched by numerous others of the same period that may be read beside them in the great "sheep set". He might have assembled around his subject the picturesque life of the southwestern plains and made of Beale a truly national type. But he has been content to reprint, with tolerable accuracy, documents that are easily accessible in print, and to piece them together with a commonplace text.

FREDERIC L. PAXSON.



## TEXT-BOOK

*A History of the United States for Schools.* By Andrew C. McLaughlin, A.M., LL.B., Head of the Department of History, University of Chicago; and Claude Halstead Van Tyne, Ph.D., Head of the Department of American History, University of Michigan. (New York, D. Appleton and Company, 1911, pp. 430, lxviii.) The demand for better text-books for the teaching of American history in the grammar schools is shown unmistakably by the publication during the past year or two of seven or eight new volumes in this field. Nearly all these show certain well-marked tendencies: increased attention to the national period, to the significance of the westward movement, to social and economic factors, to geographical influences, to European "backgrounds", to securing adaptability to the actual conditions of school work without sacrifice of scholarly accuracy. The new books have each attained more or less success in several of these respects, but they have represented efforts to perfect an established kind of educational apparatus rather than the evolution of a new one.

The volume by Professors McLaughlin and Van Tyne belongs to this group, and on the whole none of its predecessors has met the problem more successfully. To write a good epitome is always a difficult task; to accomplish it successfully and at the same time to adapt the material to the understanding of children, in content and treatment as well as in style, is an undertaking whose seriousness can be fully realized only by those who have attempted it. In the present case the results are uneven. In the chapters dealing with the colonies and the Revolution remarkable success has been achieved; nothing better has been done, probably nothing as good, in any other text. The national period (perhaps because it is more complex and difficult) has been handled with noticeably less success; the chapter on the Making of the Constitution is particularly abstract and generalized. But at many points the topics of the second part have been treated in a concrete and interesting manner, and this portion of the book will bear comparison with the corresponding part of similar books. It is, in fact, remarkable that university men without experience in grade teaching should be able, even with the advice of elementary-school teachers, to produce a book which is on the whole so admirably adapted to its purpose as this.

A high level is maintained as to accuracy, a result to be expected, since the equipment of two such competent scholars is, unhappily, seldom applied to the problem of preparing a text-book for the elementary school. But probably no volume covering so much ground can escape a few minor inaccuracies at least, and there are in this case more than a score of errors, questionable assertions, and general statements that are

misleading because of over-brevity. There is space for the citation of only a few: the search for a fountain of youth was an incidental rather than a primary object of Ponce de Leon's search (p. 16); Cartier spent the winter of 1535-1536 at the site of Quebec, not Montreal (p. 21); the treaty of Tordesillas, 1494, of course did not mention either "Brazil" or "the rest of America" (p. 28); the legislative power of the Virginia House of Burgesses was not limited to assenting to laws made by the company in England (p. 47); Penn should be given full credit for his philanthropic motives, as he is (p. 86), but he was also a very shrewd business man; in the account of colonial government (p. 130) the old classification with the misleading term "charter colony" is adopted, rather than the much better one suggested by Professor Osgood; fear of the French fleet had at least as much to do with Clinton's evacuation of Philadelphia in 1778 as did the discovery that there was "nothing to be gained" by holding it (p. 179); on page 190 appears the most surprising slip in the book, the statement that Cowpens (tactically the most brilliant American victory of the war, for Morgan surrounded and captured the superior force of Tarleton) was "lost by Greene"! Perry's force in the battle of Lake Erie was superior to that of the British in tonnage, men, and weight of broadside; it is hardly correct to say that Clay "was not decided either way" about the annexation of Texas (p. 305), in view of the Raleigh letter; the authors state that Lincoln did not carry Massachusetts in 1860 (p. 330).

It is, unfortunately, exceptional for any school text, of either Northern or Southern authorship, to be free from sectional bias. In spite of very obvious efforts to be fair, the authors have not concealed strong Northern sympathies on virtually every point. "Our" and "us" are used of things Northern, and "rebels" and "rebellion" are terms freely used in referring to the South. In treating the military events of the Civil War, generous tribute is paid to Lee and to the valor of the Southern soldier; yet when it comes to details the authors find space for twelve lines of enthusiasm over the charge of Thomas's men at Missionary Ridge while hardly the same number of words are given to Pickett's men at Gettysburg and the impression is left that the latter were repulsed because the Federal troops opposing them were better soldiers; Sheridan's exploits in riding around Lee's diminished army are chronicled, while no mention is made of "Jeb" Stuart whose attentions to McClellan are said to have caused Lincoln to remark that "three times round are out"; Thomas at Chickamauga gets fourteen lines, Jackson at Chancellorsville not one word. Such features will not promote the use of the book in Southern schools.

Fanciful pictures are almost wholly excluded, and nearly all of those included are of real value in illustrating the text. The picture on page 120 does not show the heights that Wolfe scaled. The maps and plans are also good as a rule, being clear and unencumbered by useless detail. Some of them, however, are too small or too much broken up; for

instance, the two maps for the French and Indian War (pp. 118-119) would be much more effective if combined and enlarged. Most of the section topics have been happily phrased, but it is a mistake to use the "run-in", black-type heads instead of a less conspicuous "cut-in" head which would serve the same purpose without interrupting the narrative. Foot-notes have been effectively used for much that is interesting and useful. Quotations from what is commonly called "source material" are inserted to good advantage, but the child's legitimate and laudable curiosity will not be satisfied by such terms as: "wrote one of their leaders", "England's greatest general declared", etc. (pp. 43, 140, 160, 208, 285). Although in some details the arrangement may be criticised, the book strikes a fair average between topical and chronological demands and its organization of material may be commended.

J. MONTGOMERY GAMBRILL.

## COMMUNICATION

BUFFALO, N. Y., July 27, 1912.

TO THE EDITOR OF THE AMERICAN HISTORICAL REVIEW:

Dear Sir,

The July issue of the REVIEW contains a notice of my *Studies of the Niagara Frontier*, in which the reviewer undertakes to correct my spelling of "Dallion". Permit me to state that in using that spelling I have followed the priest's own signature as found in a letter to a friend in Paris dated at "Tonachain, Huron village, this 18th July, 1627", and signed, "Joseph de la Roche Dallion".

FRANK H. SEVERANCE.

## NOTES AND NEWS

### AMERICAN HISTORICAL ASSOCIATION

The twenty-eighth annual meeting of the American Historical Association will be held in Boston and Cambridge on December 27-31. The American Political Science Association, the American Economic Association, the American Sociological Society, the Mississippi Valley Historical Association, and the New England History Teachers' Association will hold their meetings at the same time and place. The programme has as yet been arranged only tentatively and any announcement of plans is subject to alteration. At present however it is expected that the headquarters of the associations will be at the Hotel Copley-Plaza and that the various meetings will be held in the buildings surrounding Copley Square. The presidential address of the Historical Association will be delivered by Theodore Roosevelt, probably on Saturday evening. It has been planned to hold conferences of archivists and of historical societies, and special sessions, as usual, on the various fields of historical work. A conference of history teachers will be the occasion for a joint session with the New England History Teachers' Association. It is proposed to hold the sessions of Monday at Cambridge, and the headquarters for that day will be transferred to the Harvard Union. Most of the railroad associations have promised to accord the usual reduction in rates, by the certificate system.

The *Annual Report* for 1910 is through the press and will be distributed during the present month to those members who have signified their desire to receive it.

The Adams Prize essay for 1911, Miss Louise F. Brown's *Political Activities of Baptists and Fifth Monarchy Men during the Interregnum*, is nearly off the press and will be distributed to subscribers about October 15.

Attention is called to the fact that the permanent address of the secretary's office is now 1140 Woodward Building, Washington, D. C.

### PERSONAL

Dr. Samuel Macauley Jackson, professor of church history in New York University and one of the most active of American church historians, died in Washington, Connecticut, on August 2. He was secretary of the American Church History Society throughout the whole period of its existence, 1888-1896 and 1906-1912, and had published an excellent book on Zwingli, and edited a valuable series of ecclesiastical

biographies, *Heroes of the Reformation*, and various bibliographies and other works of reference.

Armand Brette died on April 19 at the age of sixty-three. As one of the most prominent of the historians who have co-operated with M. Aulard in the study of the French Revolution, his name was seldom missing from a number of *La Révolution Française* or the *Revue Historique*. The best known of his publications are *Le Serment du Jeu de Paume*, and *Recueil de Documents relatifs à la Convocation des États Généraux de 1789*, of which he was preparing the fourth and fifth volumes at the time of his death.

Albert Poncelet of the Bollandist society died at Montpellier, January 19, 1912, at the age of fifty-one. He was among the principal contributors to the *Analecta Bollandiana*, and to the three volumes for November of the *Acta Sanctorum*. He also edited the *Bibliotheca Hagiographica Latina*, of which he published a supplement a few weeks before his death. At the time of his death he was travelling to investigate documentary sources for a volume of the *Acta Sanctorum Belgii* which he was preparing.

Marcelino Menendez y Pelayo died on May 19 at the age of fifty-six. In addition to his numerous writings on the history of Spanish literature and thought he was the author of *Historia de los Heterodoxos Españoles*. For twenty years he was professor of the history of Spanish literature in the University of Madrid, and later director of the National Library. He was also the founder and editor of the *Revista de Archivos, Bibliotecas, y Museos*.

Volume CIX., Heft 1, of the *Historische Zeitschrift* is dedicated to Moritz Ritter in honor of the fiftieth anniversary of his doctorate. The contributions are mainly by his former pupils. The second number of the volume contains as its only important article the third of Professor Ritter's *Studien über die Entwicklung der Geschichtswissenschaft* covering the period of the Renaissance, the Reformation, and the Counter-Reformation.

Mr. Alfred F. Pollard of the British Museum gives next spring at Cornell University, on the Goldwin Smith Foundation, a course of lectures on the Place of Parliamentary Institutions in the Development of Civilization.

Dr. Arthur I. Andrews has been advanced to the rank of professor of history in Tufts College.

Mr. Stewart L. Mims has been appointed assistant professor of history at Yale.

Professor William E. Lunt has gone from Bowdoin to Cornell as professor of history. His successor at Bowdoin as Reed professor of history and politics is Dr. Herbert C. Bell, from the University of Wisconsin.

Ex-Mayor George B. McClellan has been made professor of economic history at Princeton University.

Mr. Robert P. Blake, of the University of California and Harvard, more recently a student at Berlin and St. Petersburg, has been called to the University of Pennsylvania to teach ancient and Byzantine history.

Professor William R. Manning of the University of Texas will deliver the Albert Shaw lectures on diplomatic history at Johns Hopkins University next spring. Professor Manning spent a part of the summer gathering materials from the Mexican archives for these lectures.

At the University of Texas, Dr. C. W. Ramsdell has been advanced to the rank of adjunct professor of American history, and Dr. Frederic Duncalf to the same rank in medieval history.

Professor H. Morse Stephens has resigned the directorship of university extension at the University of California, a position which he has held for ten years, and will hereafter devote his entire time to his duties as head of the department of history and secretary of the Academy of Pacific Coast History. Professor Stephens has been appointed to the Sather professorship of history, a chair recently endowed at the University of California by Mrs. Jane K. Sather. Dr. L. J. Paetow, formerly assistant professor of English history in the same university, has become assistant professor of medieval history in place of Dr. J. N. Bowman, who goes to the University of Washington, while Dr. W. A. Morris from the University of Washington takes Dr. Paetow's former position. Assistant Professor Don E. Smith has resigned.

James F. Kenney, lately professor of history in St. Michael's College of the University of Toronto, has been appointed an assistant in the office of the Dominion Archivist, Ottawa, Canada.

#### GENERAL

Definite arrangements have now been made for the Third International Congress of Historical Studies, which will be held in London from April 3 to April 8 or 9, 1913. It is expected that there will be nine sections, as follows: Oriental History; Greek and Roman and Byzantine History; Medieval History; Modern History and the History of Colonies and Dependencies, including naval and military history; Religious and Ecclesiastical History; Legal and Economic History; the History of Medieval and Modern Civilization; Archaeology, with Pre-historic Studies and Ancient Art; and the Related and Auxiliary Sciences, such as ethnology, historical geography, the philosophy of history, historical methodology, the teaching of history, bibliography, palaeography, diplomatics, etc. Everyone wishing to become a member of the congress is requested to send his name, title, office, and postal address, as soon as possible, to the Secretary of the Congress, Professor I. Gollancz, Secretary of the British Academy, Burlington House,



London. Communications respecting the reading of papers should, however, be addressed to the Secretary for Papers, the Reverend Professor J. P. Whitney, 9 Well Walk, Hampstead Heath, London. Every member of the congress, whether attending as a delegate or upon invitation or in a personal capacity, subscribes the sum of £1. Ladies accompanying members can become associate members on payment of half the subscription.

On October 15 and 16 the American Antiquarian Society will celebrate the one-hundredth anniversary of its foundation, with important public addresses by Senator Henry Cabot Lodge and Professor Andrew C. McLaughlin.

The July-August number of the *Revue Historique* contains surveys of the recent literature for the Frankish and early Capetian period by Louis Halphen; of the sciences auxiliary to history for the medieval and modern periods by Philippe Lauer; and of Christian antiquities by Charles Guignebert. In addition to the discussion of the recent controversial literature concerning Jesus, contained in the last of these articles, reference should also be made to the *Revue d'Histoire Ecclésiastique*, April, 1912, page 385.

The first volume of the *Kleine Schriften* of Professor A. Furtwängler has been published by J. Sieveking and L. Curtius (Munich, Beck, 1912, pp. viii, 516).

Volume XIII. of the *Catholic Encyclopedia*, extending from "Revelation" to "Simon Stock", has come from the Caxton Publishing Company. The subject-matter of this, as of previous volumes of the series, offers much of historical interest.

*The Britannica Year-Book*, a new annual with Mr. Hugh Chisholm as editor, is intended to bring to date information contained in the *Encyclopedia Britannica*.

The World Peace Foundation has published the *Syllabus of Lectures on International Conciliation*, given at Leland Stanford Junior University by David Starr Jordan and Edward B. Krehbiel.

Twelve parts have appeared of an *Encyclopédie de l' Islam, Dictionnaire Géographique, Ethnologique, et Biographique des Peuples Musulmans*, edited by T. Houtsma and R. Basset with the assistance of leading Orientalists (Paris, Picard).

There is in course of publication a three-volume *Histoire des Patriarchats Melkites, Alexandrie, Antioche, Jérusalem, depuis le Schisme Monophysite du Sixième Siècle jusqu'à nos Jours* (Rome, Bretschneider). The first volume, which is yet to appear, will cover the history to the beginning of the nineteenth century. The second and third volumes, which have already been published, deal respectively with the history during the nineteenth century and with the existing insti-

tutions and practices of the church. The work is by a priest of the Greco-Slavic rite, Cyrille Charon. The Melkites, that is royalists, were those Eastern Christians who adhered to the imperial decrees as opposed to those who adopted some form of Monophysitism, now represented by the Armenian, Coptic, and other Eastern sects.

Among the recent accessions of the Manuscripts Division of the Library of Congress are: 131 letters and drafts of Thomas Jefferson, 1798-1822; the papers of James H. Hammond, senator from South Carolina, 1820-1864; the papers of Agustin de Yturbe, emperor of Mexico, 1799-1824; the papers, scientific and political, of Captain Matthew Fontaine Maury, 1825-1874; letter-books of General William Tecumseh Sherman; the papers of James Murray Mason, Confederate envoy in London; twenty-eight log-books of Admiral Sir George Cockburn, 1813-1815.

A chronological list with notes of bipartite arbitration treaties, compiled by Dennys P. Myers, has been published by the World Peace Foundation, Boston.

Little, Brown, and Company announce for autumn the *Continental Legal History* series, consisting of translations of important modern works on the history of the civil, criminal, commercial, procedural, and public law of continental Europe. The works, selected by a committee appointed in 1909 by the Association of American Law Schools, were translated by competent scholars appointed by the committee. The first three volumes to appear in the autumn are as follows: *A General Survey of Events, Sources, Persons and Movements in Continental Legal History*, translated from works by eminent European authors; *Great Jurists of the World, from Papinian to Von Ihering*, by various authors; and *History of French Private Law*, by J. Brissaud, late professor of legal history in the University of Toulouse, translated by Rapelje Howell, of the New York Bar.

The Hakluyt Society has published a *Book of the Knowledge of all the Kingdoms, Lands, and Lordships that are in the World*, by an anonymous Franciscan friar who wrote about 1350, giving the names of most of the Canary Islands, the Madeiras, and the Azores, and an account of Africa south of the Atlas. The work was first published in 1877 by Don Marcos Jiménez de la Espada.

At the 1912 meeting of the Congrès des Sociétés Savantes, in the section on historical and descriptive geography, a paper was read by Dr. Loir describing a prospectus prepared in 1816 by Charles Alexandre Lesueur to attract colonists to Louisiana. In the same section the Abbé Anthiaume presented a paper on the portolan charts which he traced to a Catalan origin at the end of the twelfth century. He also found the so-called Mercator projection used long before Mercator's time. In discussing the paper M. de La Roncière claimed a Genoese rather than a Catalan origin for the portolans.

Dr. Gustave Loisel has prepared a *Histoire des Ménageries de l'Antiquité à nos Jours* in three volumes (Paris, Doin). The famous zoological gardens of the various epochs, their importance in the development of science, and their relation to society are described. The work is based on documentary sources.

Noteworthy articles in periodicals: Esther B. Van Deman, *Methods of Determining the Date of Concrete Monuments*, I. (Archaeological Institute of America, April-June); E. Rodocanachi, *Les Courriers Pontificaux du Quatorzième au Dix-Septième Siècle* (Revue d'Histoire Diplomatique, July).

#### ANCIENT HISTORY

*Südwesteuropäische Megalithkultur und ihre Beziehungen zum Orient*, by G. Wilke, is the seventh number of the *Mannusbibliothek* (Würzburg, Kabitsch, 1912, pp. 181). The author concludes from his investigations that the builders of the megalithic remains were a European race, but he is unable to decide further their ethnic kinship or the locality of their origin, whether Iberian, Scandinavian, or otherwise. A. de Paniagua of the International Ethnographic Institute of Paris sets forth some novel ideas on the same subject in *Les Monuments Megalithiques, Destination, Signification* (Paris, Catin, 1912, pp. xii, 92).

The second fascicle of volume V. completing *Découvertes en Chaldée* by Ernest de Sarzec, edited by Léon Heuzey, has been published by Leroux of Paris.

Messrs. Scribner's Sons announce for early publication *Religion and Thought in Ancient Egypt*, by Professor James H. Breasted of Chicago University.

R. Weil's *Les Hyksôs et la Restauration dans la Tradition Égyptienne et dans l'Histoire* (Paris, Impr. Nationale, 1911, pp. 218) is of interest to students of Egyptian history.

The first volume of a new and thoroughly revised edition of R. Kittel's *Geschichte des Volkes Israel* has been issued by Messrs. Perthes (Gotha, 1912, pp. xii, 667). The volume carries the account to the death of Joshua.

Professor H. Blümner of Zürich has prepared a *Karte von Griechenland zur Zeit des Pausanias sowie in der Gegenwart* (Bern, Geographisches Kartenverlag), showing all places named by Pausanias.

The third publication to appear in the series of *Jenaer Historische Arbeiten* (Bonn) is Dr. F. W. Robinson's thesis, *Marius, Saturninus und Glaucia: Beiträge zur Geschichte der Jahre 106-100 v. Chr.*

The thesis of M. Jean Juster for his doctorate in law is a critical examination of the sources relating to the judicial position of the Jews under the Roman Empire (Paris, Geuthner, 1911, pp. viii, 141).

## EARLY CHURCH HISTORY

The third series of E. Vacandard's *Études de Critique et d'Histoire Religieuse* (Paris, Lecoffre, 1912, pp. 377) contains studies on the origin, celebration, and liturgy of Christmas and the Epiphany, on the origin of the veneration of the saints, and of the festival and dogma of the Immaculate Conception.

In the series *Textes et Documents pour l'Étude Historique du Christianisme*, A. Lucot has edited *Histoire Lausique*, and A. Lelong, *Le Pasteur d' Hermas* (Paris, Picard).

Professor Aimé Puech of the Sorbonne in *Les Apologistes Grecs du Deuxième Siècle de Notre Ère* (Paris, Hachette) endeavors to determine the teachings of the Church in the age of the Antonines and the nature and extent of the influence of Stoic and Platonic philosophy on both the method and the thought of the apologists.

In the "Alleged Persecution of the Christians at Lyon in 177", reprinted from the July number of the *American Journal of Theology*, Professor James W. Thompson endeavors to demonstrate that if the story of this persecution is not a "Christian fabrication" it must be put a century later, in the reign of Aurelian, and Marcus Aurelius must, therefore, be acquitted of the charge of ordering it.

Hans von Schubert's *Staat und Kirche in den Arianischen Königreichen und im Reiche Chlodwigs* (Munich, Oldenbourg, pp. 199) supplements the studies of Ulrich Stutz in the same field.

The period of the Donatist schism is studied in the fourth volume of P. Monceaux, *Histoire Littéraire de l'Afrique Chrétienne depuis les Origines jusqu'à l'Invasion Arabe* (Paris, Leroux, 1912, pp. 517). M. Monceaux has also published recently a pamphlet on *Timgad Chrétien* (Paris, Impr. Nationale, 1911, pp. 78).

A biography of the famous Gallic bishop St. Germain l'Auxerrois has been published by G. M. Des Noyers (Paris, Desclée, de Brouwer, 1911). It will be recalled that the two visits of St. Germain to Britain furnish one of the few important contemporary sources of information regarding Britain during the first half of the fifth century.

A valuable addition to the series *Bibliothèque d'Histoire Religieuse* from Messrs. Picard is volume I. of *L'Église Wisigothique au VII<sup>e</sup> Siècle*, by M. E. Magnin.

Noteworthy articles in periodicals: R. P. Galtier, S. J., *La Consignation dans les Églises d'Occident* (*Revue d'Histoire Ecclésiastique*, April); W. Levison, *Die Iren und die Fränkische Kirche* (*Historische Zeitschrift*, CIX. 1); K. Praechter, *Christlich-Neuplatonische Beziehungen* (*Byzantinische Zeitschrift*, XXI. 1).

## MEDIEVAL HISTORY

Volumes 65 to 68 of the *Corpus Scriptorum Christianorum Orientalium* contain the Arabic text of the *Historia Universalis* of Agapius,

a tenth-century bishop of Mabboug in Syria; a French translation of the Ethiopian *Annales Regum Iyâsu II. et Iyo'as*, of which the text has already been published; the second installment of the Arabic text of the *Synaxarium Alexandrinum*, containing the lives of the saints for the last six months of the year; and the text of the lives of the two latest Ethiopian saints, Walatta-Petros and Zara-Buruk (Paris, de Gigord).

The Academy of Mâcon has published the first of two volumes containing the papers relating to the history of the abbey and order of Cluny read at the millenary celebration in 1910 (Mâcon, Protat, 1912, pp. cxxxii, 427).

The Abbé A. Clergeac has contributed an important study to the history of the papal financial system, in *La Curie et les Bénéfices Consistoriaux: Étude sur les Communs et Menus Services* (Paris, Picard, pp. x, 316).

A life of Maimonides by J. Münz has issued from the press of J. Kauffmann (Frankfort-on-the-Main, 1912, pp. vii, 335).

The thirty-second number of the *Heidelberger Abhandlungen zur Mittleren und Neueren Geschichte* is a study by Ernst Brem of the career of Pope Gregory IX. before his pontificate. He was created cardinal by Innocent III. in 1198 and thenceforth took an active part in the political and diplomatic activities of the papal court.

For the students of the life of Frederick II. Mr. Lionel Allshorn has in his very interesting and well-written *Stupor Mundi: the Life and Times of Frederick II., Emperor of the Romans, King of Sicily and Jerusalem, 1194-1250* (Martin Secker) added nothing new, but to the general reader he has given a vivid and accurate account of an interesting figure and has used judiciously the existing secondary works on the subject.

Five volumes have been published by A. Tralin (Paris, 1911-1912) of the *Oeuvres Complètes de Jean Tauler, Religieux Dominicain du Quatorzième Siècle, Traduction Littérale de la Version Latine du Chartreux Surinus*.

A most detailed and careful study of the relations between England and Savoy is M. Jean Cordey's *Les Comtes de Savoie et les Rois de France pendant la Guerre de Cent Ans (1329-1391)* published in the *Bibliothèque de l'École des Hautes Études* (Paris, Champion).

*Die Anfänge der Beginen* by J. Greven (Münster, Aschendorff, 1912, pp. xv, 227) is a study of the sisterhood of the Beguines and of the piety of the lower classes in the pre-Reformation period.

Noteworthy articles in periodicals: N. H. Baynes, *The Date of the Avar Surprise* [determined as June 5, 617] (*Byzantinische Zeitschrift*, XXI., 1); J. B. Bury, *The Great Palace* [of Constantinople] (*ibid.*); J. H. Mordtmann, *Die Kapitulation von Konstantinopel im Jahre 1453*

(*ibid.*); Count Durrieu, *La Délivrance de la Grèce projetée en France à la Fin du Quinzième Siècle* (Revue d'Histoire Diplomatique, July).

### MODERN EUROPEAN HISTORY

*A Short History of Europe from the Fall of the Eastern Empire to the Dissolution of the Holy Roman Empire*, by Charles Sanford Terry (London, Routledge and Sons, pp. viii, 318) proves to be an excellent condensation of useful knowledge.

Materials drawn from the archives of Mantua by their director, A. Luzzio, in *I Preliminari della Lega di Cambray concordati a Milano ed a Mantova* show especially the part played by Niccolò Frisio (Milan, Cogliati, 1912).

The two latest numbers of the *Historische Bibliothek* (Munich, Oldenbourg) deal with sixteenth-century subjects. Dr. Walter Sohm writes *Die Schule Johann Sturms und die Kirche Strassburgs in ihrem Gegenseitigen Verhältnis, 1530-1581*; and Dr. Walter Platzhoff, *Frankreich und die Deutschen Protestanten in den Jahren 1570-1573*. The latter volume is important for the development of the international significance of the massacre of St. Bartholomew.

The number for July, 1912, of *Monumenta Historica Societatis Jesu* is the first fascicle of "Lainii Monumenta". Earlier numbers for the year continue the "Monumenta Ignatiana" and "Monumenta Xaveriana".

M. Baguenault de Puchesse recently read before the Academy of Moral and Political Sciences a paper, based upon a letter written to Bongars by a German agent, describing the schemes of Henry IV. of France to replace Rudolph II. as Holy Roman Emperor. He believes that the scheme might have succeeded if it had not been for the assassination of the king.

The Société de l'Histoire de France has recently published *Correspondance du Chevalier de Sévigné et de Christine de France, duchesse de Savoie*. These letters by the uncle of the famous Madame de Sévigné were written from Paris to the sister of Louis XIII. during the Fronde, especially in the year 1652. The same society has also published a third volume of the *Mémoires de Martin et Guillaume du Bellay* covering 1536-1540, and dealing with the war between Charles V. and Francis I. which was concluded by the truce of Nice.

The publication by E. de Heeckeren entitled *Correspondance de Benoît XIV.* (Paris, Plon, 1912, two vols.) contains only the letters of Benedict XIV. to Cardinal de Tencin, archbishop of Lyons. The relations between Benedict XIV. and Cardinal de Tencin are the subject of the first of a series of articles, "Le Secret du Pape: un Légat Apostolique en France, 1742-1756", by Abbé Richard, begun in the July number of the *Revue des Questions Historiques*. The correspondence of Benedict XIV. with Cardinal Querini was published in the *Nuovo*



*Archivio Veneto* in 1909 and 1910; and with Cardinal Tamburini, in the *Archivio della R. Società Romana*, volume 34.

Among the books which have been brought into existence by the bi-centenary of the birth of Rousseau, celebrated at the end of June in Geneva and in Paris, especial value attaches to the following: Gaspard Vallette, *Jean-Jacques Rousseau Genevois* (Geneva, A. Jullien, 1912, pp. xxx, 454), a book as much historical as literary, dealing largely with the influence of Genevese history on the mind of Rousseau; *Jean Jacques Rousseau, Conférences prononcées dans l'Aula de l'Université de Genève*, by Bernard Bouvier, professor of French literature (*ibid.*); P.-P. Plan, *J.-J. Rousseau raconté par les Gazettes de son Temps*, containing much curious information; Albert Meynier, *J.-J. Rousseau et les Hommes de la Révolution*, chiefly concerning the relations of Rousseau to Camille Desmoulins; Harald Höffding, *Jean-Jacques Rousseau et sa Philosophie*; and *J.-J. Rousseau, Conférences faites à l'École des Hautes-Études Sociales en 1912*, by Cahen, Mornet, Gastinel, Delbos, Benrubi, Baldensperger, Dwelshauvers, Vial, Beaulavon, Belot, Bouglé, and Parodi. The same publisher will bring out in the autumn the eighth volume of the *Annales de la Société Jean-Jacques Rousseau*, containing commemorative essays by MM. Lanson and Mornet of Paris, Benrubi of Germany, Edmund Gosse of London, and Höffding of Denmark, chiefly upon the influence of Rousseau upon other countries, de Reynold of Fribourg. Seippel of Geneva, on the religion of Rousseau, and Léopold Favre of Geneva, who offers a critical examination of the first draft or original manuscript of *Émile*, which is in his possession. The volume contains the usual annual bibliography and *chronique*.

Dr. Charles Schmidt has published a collection of documents from the National Archives relating to the annexation of Mulhouse (Mühlhausen) to France under the title, *Une Conquête Douanière, Mulhouse, 1785-1798* (Paris, Berger-Levrault). On a similar subject is Usinger, *Das Bistum Mainz unter Französischer Herrschaft, 1798-1814* (Mainz, Kirchheim).

In a volume carefully annotated by M. Jacques Rambaud, Plon-Nourrit have issued Count Roger de Damas's *Mémoires: Russie, Valmy et Armée de Condé, Naples, 1787-1806*, which presents a picturesque account of the Revolutionary and Napoleonic period.

The centenary of 1812 has brought forth a remarkable amount of literature. The *Revue des Études Napoléoniennes* in successive numbers has a review of the events of the year by M. Éd. Driault, under the title *Souvenirs du Centenaire*. M. A. Chuquet has published *1812, la Guerre de Russie: Notes et Documents* (Paris, Fontemoing, 1912, pp. 352) and *La Campagne de 1812: Mémoires du Margrave de Bade* (Paris, Fontemoing, pp. 268). Among the other books are Baron de Baye's *Smolensk* (Paris, Perrin, 1912, pp. 796). Volumes 128 and 133 of the *Sbornik* (collections) of the Historical Society of St. Petersburg are devoted to a documentary history of the year 1812.

The position of Austria in 1812 and 1813 and the question of Austrian intervention in the Napoleonic conflict is treated by the Vicomte d'Ussel in a recent volume, *Études sur l'Année 1813: l'Intervention de l'Autriche* (Paris, Plon). A life of Prince Joseph Poniatowski, who fell at Leipzig in 1813, by S. Askenazy, comes from the press of F. A. Perthes of Gotha.

Though in Germany Professor R. Fester of the University of Halle is publishing *Briefe, Aktenstücke und Regesten zur Geschichte der Hohenzollernschen Thronkandidatur in Spanien* (Leipzig, Teubner), and in France the Department of Foreign Affairs is publishing a collection of documents entitled *Les Origines Diplomatiques de la Guerre de 1870*, M. P. Lehautcourt has ventured to publish an elaborate study of the Hohenzollern candidature (Paris, Berger-Levrault, 1912, pp. xv, 665).

Several excellent volumes on Alsace have appeared almost synchronously. The second volume in the new series, *Les Vieilles Provinces de France*, is a comprehensive *Histoire d'Alsace* by Rodolphe Reuss, who is already known for his studies in Alsatian history (Paris, Boivin, 1912, pp. viii, 372). Paul Müller is the author of a monograph on the Revolution of 1848 in Alsace (Paris, Fischbacher, 1912, pp. 247), which also contains a biography of the Alsatian deputies in the various national legislatures from 1789 to 1871. *L'Alsace-Lorraine et l'Empire Allemand, 1871-1911*, is the work of an *avocat*, M. Robert Baldy (Paris, Berger-Levrault).

Count Soderini has near completion a history of the papacy under Pius IX., in three volumes, the work of some ten years of labor on the part of one occupying an independent position as respects the Vatican and Quirinal, and who during the papacy of Leo XIII. was by the favor of that pontiff granted special favors in the use of the archives of the Church.

Both from the point of view of international law and of the domestic politics of France, Dr. J. P. Nibojet has written *L'Ambassade de France au Vatican, 1870-1904* (Paris, Larose and Tenin, 1912). Another interesting chapter of recent papal diplomacy is narrated by Crispolti and Aureli, *La Politica di Leone XIII. da Luigi Galimberti a Mariano Rampolla* (Rome, Bontempelli and Invernizzi).

Oscar Browning's *History of the Modern World, 1815-1910*, in two volumes published by Cassell, is a readable historical narrative displaying much knowledge but marred by an occasional lack of proper proportion.

Messrs. Plon have published *L'Europe et la Politique Orientale, 1878-1912*, by the Count of Landemont (Paris, 1912, pp. 380).

Among the recent volumes on industrial history may be noted *La Manufacture Royale de Porcelaine de Saxe, Meissen, 1710-1910*, an

elaborately illustrated folio volume (Paris, Hessling, pp. 194); a life of Camille Pernon, a silk manufacturer at Lyons under Louis XVI. and Napoleon, by Alexandre Poidefard and Jacques Chatel (Lyons, Brun); a *Traité de la Fabrication du Sucre de Betteraves et de Cannes*, a two-volume work, published by a group of experts, in commemoration of the centenary of sugar manufacture in France (Paris, Rousset, 1912); and *La Toile Peinte en France, la Manufacture de Jouy, 1760-1843*, by Henri Clouzot, also richly illustrated (Versailles, Bourdier).

Noteworthy articles in periodicals: J. Calmette, *La Politique Espagnole dans l'Affaire des Barons Napolitains, 1485-1492* (Revue Historique, CX. 2); M. R. Vernitch, *Le Cardinal Alberoni Pacifiste* (Revue d'Histoire Diplomatique, July); E. Dejean, *La Duchesse de Berry et le Comité Carliste de La Haye, Juin-Novembre, 1832* (Revue Historique, CX. 1, 2).

#### GREAT BRITAIN AND IRELAND

In *The Religion of the Ancient Celts*, published by Messrs. Scribner, J. A. MacCulloch has presented an excellent treatise on the whole field of Celtic religion.

Of interest for the reign of Henry III. is a small brochure by N. Mengozzi, entitled *Papa Onorio III. e le sue Relazioni col Regno d'Inghilterra* (Siena, 1911, pp. 96).

During the coming year the Canterbury and York Society expects to print part of the registers of Bishops Halton of Carlisle, Grosseteste of Lincoln, and T. Charlton of Hereford.

M. Morel-Fatio has recently discovered the letter, dated April 25, 1495, written by Margaret of York, widow of Charles the Bold, duke of Burgundy, to Ferdinand and Isabella of Spain, supporting the claims of Perkin Warbeck.

The University of Minnesota expects before long to inaugurate a series of historical volumes by publishing a collection of the original sources for the history of the Parliamentary session of 1629, the debates being carefully edited from various manuscripts and printed speeches by Professor Wallace Notestein.

In *John Pym*, published by Messrs. Pitman, Mr. C. E. Wade has brought to his subject some valuable contributions, but his interpretation of his material tends to overestimate Pym as conspirator and wire-puller and to underestimate his real statesmanship.

*La Cour des Stuarts à Saint-Germain-en-Laye, 1689-1718*, by G. du Boscq de Beaumont and M. Bernos, is an interesting foot-note to English history (Paris, Paul).

*British Radicalism, 1791-1797*, vol. XLIX., no. 1, of the *Columbia University Studies*, by Mr. Walter Phelps Hall, is of particular interest at this time, dealing as it does with the relation between the demands for political reform and the economic conditions of the period.

*L'Angleterre en 1815* is the title of the first volume of a *Histoire du Peuple Anglais au XIX<sup>e</sup> Siècle* by Élie Halévy, professor at the École Libre des Sciences Politiques. The purpose of the author is not to write a political history of England during the last century, but rather to study the parliamentary history of England as a political phenomenon—the “English miracle” of combining the maintenance of public order with the free discussion of public questions.

Volume III., the final volume of G. W. Forrest's *History of the Indian Mutiny, reviewed and illustrated from Original Documents*, has come from the press of Messrs. Blackwood and Sons. While the work as a whole is full and accurate, the style is unsatisfactory and the construction not all that could be desired.

*Robert Gregory, 1819-1911: being the Autobiography of Robert Gregory, D.D., Dean of St. Paul's*, with notes by W. H. Hutton, B.D. (Longmans), is of some historic interest because of the author's account of the Oxford Movement.

A series of volumes entitled *Die Kultur des Modernen England in Einzeldarstellungen* is announced to appear under the editorship of Dr. Ernest Sieper, professor of English philology in the University of Munich (Munich, Oldenbourg). The series is intended to furnish a view of English contemporary life in its political, economic, philosophical, literary, and artistic aspects.

To provide a short but fairly complete account of Scottish history has been the object of a number of authors in recent years. Dr. Donald MacMillan has in his *Short History of the Scottish People* accomplished this task with much success.

A volume of interest alike to students of literature and history is Professor John Hepburn Millar's *Scottish Prose of the Seventeenth and Eighteenth Centuries*, a course of lectures delivered in the University of Glasgow in 1912 (MacLehose, pp. 273). Much space is given to writers of history as well as to the sermonizers of the day and both the literary merit and the historical value of most of the Scottish historians of the period are considered.

British government publications: *A Calendar of the Stuart Papers belonging to His Majesty the King and preserved at Windsor Castle* [relating to the life in exile of James III.]; *Register of the Privy Council of Scotland*, ed. P. Hume Brown, third series, vol. IV., 1673-1676.

Other documentary publications: *Registers of Bishop Trillek of Hereford*, II., ed. J. H. Parry; *Register of Archbishop Parker*, III., ed. Rev. Dr. Frere (Canterbury and York Society); *Proceedings in the Court of the Star Chamber in the Reigns of Henry VII. and Henry VIII.*, ed. Miss G. Bradford (Somerset Record Society).

Noteworthy articles in periodicals: C. L. Kingsford, *The First Version of Hardyng's Chronicle* (English Historical Review, July); J.

Martin, *Jacques I<sup>er</sup> et le Saint-Siège jusqu' à la Mort de Clément VIII., 1603-1605* (Revue d'Histoire Diplomatique, July); J. D. Mackie, *A Secret Agent of James V.* (Scottish Historical Review, July); W. Foster, *John Bruce, Historiographer* (ibid.).

#### FRANCE

A little pamphlet by MM. Busquet and Crémieux, entitled *Les Archives Communales et les Monographies des Communes*, is a valuable guide to the use of local archives and to the writing of local history (Paris, 1912, pp. 62).

Two important studies for the early history of France have recently appeared. P. Lauer contributes the volume on Robert I. and Rudolph of Burgundy to the series *Annales de l'Histoire de France à l'Époque Carolingienne* (Paris, Champion, pp. iv, 117). *Le Règne de Philippe I<sup>er</sup>, Roi de France* (Paris, Société Française d'Imprimerie et de Librairie, pp. xxiii, 600) is the subject of the thesis of Dr. A. Fliche. These volumes add considerably to the earlier works of M. Lippert on Rudolph and M. M. Prou on Philip I. The reign of Henry I. alone in this period now awaits an adequate monograph. Louis Halphen has published the first volume of *Paris sous les Premiers Capétiens: Étude de Topographie Historique, 987-1223* (Paris, Leroux).

The thousandth anniversary of the duchy of Normandy has been made notable by many researches and publications relating to the history of the duchy. A group of these studies is reviewed in the January-April number of the *Bibliothèque de l'École des Chartes*.

Dr. Lucien Perrichet is the author of *La Grande Chancellerie de France des Origines à 1328* (Paris, Larose and Tenin). The same house publishes another monograph relating to national institutions, *Les Sous-Secrétaires d'État en France*, by Joseph Berthier.

The second part of *Les Sources de l'Histoire de France* by Henri Hauser covers the period of the Wars of Religion (Paris, Picard, 1912, pp. xiii, 327).

The latest volume, the nineteenth, of the *Recueil des Instructions données aux Ambassadeurs et Ministres de France* covers Florence, Modena, and Genoa. It is edited by M. Éd. Driault.

The Parlement of Toulouse is the subject of a fascicle of the second volume of a series undertaken by F. Vindry on *Les Parlementaires Français au Seizième Siècle* (Paris, Champion).

Those interested in the study of witchcraft will find of value and interest M. Jean Lorédan's *Un Grand Procès de Sorcellerie au XVII<sup>e</sup> Siècle: l'Abbé Gaufridy et Madeleine de Demandolx, 1600-1670*, published by Messrs. Perrin of Paris (pp. xiv, 436).

The Société Française de Bibliographie has published an index of the *Mémoires* of the Marquis de Sourches (Chartres, Garnier, pp. 259).

which will make this voluminous work properly accessible for research. The index is prepared by M. Léon Lecestre.

Dr. Michael Strich has produced some new materials for the biography of Madame Palatine by his volume *Liselotte und Ludwig XIV.* (Munich, Oldenbourg, 1912, pp. viii, 154).

M. Paul Viollet has added to his studies in the history of the political and administrative institutions of France, *Le Roi et ses Ministres pendant les Trois Derniers Siècles de la Monarchie* (Paris, Librairie de la Société du Recueil Sirey, 1912, pp. x, 616).

*La Lorraine, le Barrois, et les Trois-Évêchés* by Chr. Pfister is the eighth number of *Les Régions de la France*, published by the *Revue de Synthèse Historique* (Paris, Cerf, 1912, pp. 137). Like its predecessors it furnishes an excellent descriptive and bibliographical introduction to the history of the provinces concerned.

A bibliography of books published in Franche-Comté prior to 1790 has been prepared by Maurice Perrod (Paris, Champion, 1912, pp. 384).

Three monographs have appeared almost simultaneously on the Declaration of Rights of 1789: V. Marcaggi, *Les Origines de la Déclaration des Droits de l'Homme de 1789* (Paris, Fontemoing); Redslob, *Die Staatstheorien der Französischen Nationalversammlung von 1789, ihre Grundlagen in der Staatslehre der Aufklärungszeit und in den Englischen und Amerikanischen Verfassungsgedanken* (Leipzig, Veit); Rees, *Die Erklärung der Menschen- und Bürgerrechte von 1789* (Leipzig, Voigtländer).

M. Louis Madelin has been awarded the first Gobert prize of nine thousand francs by the French Academy for his recently published history, *La Révolution*.

The second volume of the *Histoire Religieuse de la Révolution Française*, by Pierre de la Gorce, member of the Institute, has appeared from the press of Messrs. Plon (Paris, 1912, pp. 544). The Abbé Augustin Sicard has published a thoroughly revised edition of the first volume of *Le Clergé de France pendant la Révolution* (Paris, Lecoffre, 1912, pp. 604).

M. Claude Perroud has published a volume of the correspondence and papers of Brissot (Paris, Picard, 1912, pp. lxix, 492); and H. A. Goetz-Bernstein, a German student at the Sorbonne, has published as his thesis *La Politique Extérieure de Brissot et des Girondins* (Paris, Hachette, 1912, pp. xx, 451), for which he has examined the correspondence of Glotz, Prussian minister at Paris from 1789 to 1792, and much other hitherto unused material from the archives. These new materials however effect no particular change from the accepted view of the Girondist policies.

A. Godard has published a monograph on *Le Procès du Neuf Thermidor* (Paris, Bloud, 1912, xxxii, 326). Another contribution to the



history of the great days of the Revolution consists of the reports of the Marquis of Circello, ambassador of the Two Sicilies at Paris in 1789, on the capture of the Bastille, and on the 5th and 6th of October, published in *La Revue de Paris* (July 15 and August 1).

Otto Karmin, privat docent at the University of Geneva, handles a question of great financial and economic importance in the revolutionary history in *La Question du Sel pendant la Révolution* (Paris, Champion, 1912, pp. 184, lxxxviii). Some new documentary materials are used by Major Eugène Cruyplants in *Dumouriez dans les ci-devant Pays-Bas Autrichiens* (two vols., Paris, Petit, 1912).

Dr. Gustave Le Bon, who is known as a writer on philosophy and biology, has written *La Révolution Française et la Psychologie des Révolutions* (Paris, Flammarion). He points out the slight part played by the people at large in revolutionary movements, and the contradiction between the individual opinion of members of legislatures and their collective opinion. Dr. Le Bon seems to base his work on secondary authorities and almost ignores the scholarly output of the last quarter-century.

The publisher H. Daragon, of Paris, has issued several of the recent controversial pamphlets concerning Louis XVII. and now prints a comprehensive list of the various writings on the subject, which he offers for sale.

Several volumes have recently appeared supplementing the published correspondence of Napoleon I. Dr. A. von Schlossberger has edited two volumes entitled *Politische und Militärische Korrespondenz König Friedrichs von Württemberg mit Napoleon I., 1805-1813*, and *Briefwechsel der Königin Katharina und des Königs Jérôme von Westfalen sowie des Kaisers Napoleon I. mit dem König Friedrich von Württemberg* (Stuttgart, Kohlhammer). Professor A. Chuquet has edited *Ordres et Apostilles de Napoléon, 1799-1815* (Paris, Champion, 1911, three vols., pp. 600, 668, 656); and Lieutenant Colonel E. Picard and M. L. Tuetey, *Correspondance inédite de Napoléon I<sup>er</sup>, conservée aux Archives de la Guerre* (Paris, Charles-Lavauzelle, 1912, vol. I., 1804-1807, pp. 724).

The first volume of F. M. Kircheisen's *Napoléon I<sup>er</sup>, sa Vie et son Temps* has appeared. Gertrude Kircheisen has also published *Les Femmes autour de Napoléon*. Both books come from the press of Müller of Munich. Two other notable recent publications on the Napoleonic period are Édouard Driault's *Austerlitz: la Fin du Saint-Empire, 1804-1808* (Paris, Alcan, 1912, pp. vi, 492); and the posthumous volume of Henry Houssaye on *Jéna et la Campagne de 1806*, which is published with an introduction by Louis Madelin (Paris, Perrin, 1912, pp. lxii, 274).

Under the title *Paris sous le Premier Empire*, Professor A. Aulard continues the publication of documents relative to the history of public

opinion in Paris, which he has completed for the period of the Consulate (vol. I., to June 1805, Paris, Cerf, 1912, pp. 850). Professor Aulard has just published the twenty-second volume of his *Recueil des Actes du Comité de Salut Public*.

M. P. Gonnard contributes to the July number of the *Revue des Études Napoléoniennes* an exhaustive review of the literature relating to Napoleon at St. Helena.

Among the recent works on the Restoration are: E. Daudet, *La Police Politique, Chronique de Temps de la Restauration, d'après les Rapports des Agents Secrets et les Papiers du Cabinet Noir, 1815-1820* (Paris, Plon, 1912, pp. xxvii, 393); Abbé Feret, *La France et le Saint-Siège sous le Premier Empire, la Restauration et la Monarchie de Juillet*, Tome II., *La Restauration* (Paris, Savaète, 1911, pp. 526).

The first volume of the correspondence of Châteaubriand edited by Louis Thomas has been issued by Messrs. Champion of Paris. There has appeared from the press of Perrin of Paris, *Châteaubriand Ambassadeur à Londres, 1822, d'après ses Dépêches inédites*, by the Count of Antioche.

Commandant J. de la Tour has written a biography of Marshal Niel (Paris, Chapelot, 1912, pp. vii, 293).

The Société d'Histoire Contemporaine is publishing a series of three volumes of documents, edited by Georges and Hubert Bourgin, on *Les Patrons, les Ouvriers et l'État: le Régime de l'Industrie en France de 1814 à 1830* (vol. I., Paris, Picard, 1912, pp. xxi, 383).

Among the books announced for early publication by Messrs. Little, Brown, and Company are *The Intimate Memoirs of Napoleon III.*, translated from the diary of Baron D'Ambes and *The Franco-Prussian War and its Hidden Causes*, by M. Émile Ollivier, a translation of a portion of his voluminous memoirs.

The former tutor of the ill-fated son of Napoleon III., Augustin Filon, has written *Le Prince Impérial, Souvenirs et Documents, 1856-1879*. The volume is fully illustrated, and is published by Hachette of Paris. The same house has issued lives of Jules Favre and Ernest Picard by Maurice Reclus.

The fifth section of Pierre Caron's *Bibliographie des Travaux publiés de 1866 à 1897 sur l'Histoire de la France depuis 1789* has appeared, containing the economic, social, colonial, and local history, the biography, a supplement, and a part of the indexes. The sixth section, which will contain the remainder of the indexes, will appear in October (Paris, Cornély).

An excellent account of the French campaigns in North Africa is furnished by Captain V. Picquet, *Campagnes d'Afrique, 1830-1910, Algérie, Tunisie, Maroc* (Paris, Charles-Lavauzelle, pp. 370). The

same author has also published *La Colonisation Française dans l'Afrique du Nord, Algérie, Tunisie, Maroc* (Paris, Colin, 1912, pp. x, 538).

M. Georges Perrot, perpetual secretary of the Academy of Inscriptions and Belles-Lettres, contributes to the January-April number of the *Bibliothèque de l'École des Chartes* an appreciative account of the life and works of Léopold Victor Delisle. An excellent portrait of Delisle is the frontispiece of the number.

The chair of historical geography of France at the Collège de France formerly held by the late Professor Longnon has been transformed into a chair of history of North Africa, to which M. Stéphane Gsell has been appointed.

Noteworthy articles in periodicals: C. H. Haskins, *Normandy under Geoffrey Plantagenet* (English Historical Review, July); H. F. Delaborde, *Le Texte Primitif des Enseignements de Saint-Louis à son Fils* (Bibliothèque de l'École des Chartes, LXXIII. 1); C. Stryienski, *Le Ministère du Duc de Bourbon, 1723-1726* (Revue d'Histoire Diplomatique, July); A. Mathiez, *La Fortune de Danton* (Annales Révolutionnaires, July-September); A. Mathiez, *Danton sous la Législative* (ibid., May-June); L. de Lanzac de Laborie, *Les Petits Théâtres de Paris sous le Consulat et l'Empire, 1799-1814* (Le Correspondant, March 10, April 10); J. S. Schapiro, *A New Electoral System for France* (Independent, August 29).

#### ITALY AND SPAIN

In *The Life and Times of Rodrigo Borgia, Pope Alexander VI.* (London, Stanley Paul) Right Rev. Arnold H. Mathew deals in an interesting way with a subject concerning which he has already published several volumes.

Another study of this period is *Caesar Borgia: a Study of the Renaissance*, by Mr. John Leslie Garner, which comes from the press of Fisher Unwin. This gives an excellent account of the life of Caesar Borgia but falls into the error common to historians of the period, that is, of expressing judgments which are the result of present-day moral standards far removed from those of the fifteenth century.

Professor V. Simoncelli has edited a volume of twenty monographs, *Per Cesare Baronio, Scritti Vari nel Terzo Centenario della sua Morte*. The essays are related to Baronius and his work and to the history of the sixteenth century, and are all by Italian scholars (Perugia, Bartelli, 1911, pp. viii, 663).

The thesis of M. Tortonese, *La Politica Ecclesiastica di Carlo Emanuele III.* (Florence, Libreria della Voce, 1912) covers the pontificates of Benedict XIV., Clement XIII., and Clement XIV., and contains valuable materials on the suppression of the Jesuits.

M. G. Bourgin has published *Les Études relatives à la Période du Risorgimento en Italie, 1789-1870* (Paris, Cerf).

In the multitude of recent Italian publications relative to North Africa, a single one is of genuine historical value instead of temporary political interest. *Tripoli nella Storia Marinara d'Italia*, by Camillo Manfroni (Padua, Drucker, 1912) contains accounts of the various Italian expeditions to the coast of Tripoli in medieval and modern times.

A life of St. Charles Borromeo by M. Léonce Celier (Paris, Lecoffre-Gabalda, 1912, pp. xii, 205) appears in the series *Les Saints*. Another volume in the same series by Mgr. Demimuid is a life of Marguerite-Marie Alacoque, the founder of the devotion to the Sacred Heart of Jesus (1912, pp. 235).

Mr. M. W. Collier, minister of the United States to Spain, 1905-1909, has brought out through the firm of McClurg *At the Court of His Catholic Majesty*.

Noteworthy articles in periodicals: A. De Bouard, *Il Partito Popolare e il Governo di Roma nel Medio Evo* (Archivio della R. Società Romana di Storia Patria, XXXIV. 3-4); P. Fedele, *L'Elezione di Giovanni X.* (*ibid.*); G. Falco, *La Deposizione di Luigi di Savoia, Senatore di Roma, 1311* (*ibid.*); F. M. Angel, *La Vie Franciscaine en Espagne entre les Deux Couronnements de Charles-Quint, ou le Premier Commissaire Général des Provinces Franciscaines des Indes Occidentales, l'Oeuvre du Général Quiñones* (Revista de Archivos, Bibliotecas, y Museos, March-April, 1912); J. F. Bouvier, *La Révolte de Pavie, 23-26 Mai, 1796* (Revue Historique de la Révolution Française et de l'Empire, October, 1911-July, 1912).

#### GERMANY, AUSTRIA, AND SWITZERLAND

The seventh edition of Dahlmann-Waitz, *Quellenkunde der Deutschen Geschichte*, appeared six years ago. The eighth has just appeared (Leipzig, Koehler, 1912, pp. xx, 1290).

The story of the Wives of Weinsberg has been the subject of recent controversy regarding its authenticity. Articles have appeared in the *Historische Zeitschrift* (CVIII. 658) by R. Holtzmann; in the *Deutsche Literaturzeitung* (1912, no. 10) by W. Norden; and in *Preussische Jahrbücher* (June, 1912) by L. Riess. The last writer believes that the mention in the Cologne chronicle was written within twenty years of the event, and that the Archbishop of Cologne was one of the officials accompanying Conrad III.

An admirable new edition of the *Chronicle* of Otto von Freising has been prepared by A. Hofmeister, with introduction, notes, and indexes. This edition will supplant that of R. Wilmans published over forty years ago (Hanover, Hahn, 1912, pp. cxiv, 577).

The second volume of the correspondence of Cardinal Pázmány, edited by F. Hanuy, has appeared from the press of the University of Budapest. Nearly six hundred letters addressed by the cardinal to

Ferdinand II., Bethlen Gabor, Count Trautmansdorff, and other dignitaries during the last eight years of his life (1629-1637) are thus added to the published documents for the period of the Thirty Years' War.

Volume 35 of *Politische Correspondenz Friedrichs des Grossen* has just appeared covering January-August, 1774. The letters to the ambassador in London contain a few interesting references to affairs in America. On June 27, he writes: "Je suis curieux de voir la fin de l'héroïsme bostonien, et vous y prêterez votre attention."

Two studies of Clausewitz come from French writers, Colonel Camon (Paris, Chapelot, 1911, pp. x, 267) and Roques (Paris, Berger-Levrault, 1912).

A series of sketches of slight substance though agreeable reading is Sigmund Münz's *Von Bismarck bis Bülow*, published by Stilke of Berlin.

A monument to Francis Palacky, the historian of Bohemia, was unveiled in Prague on July 1, 1912. The *Revue des Deux Mondes* (pp. 422-432) of July 15 contains an appreciation of Palacky by Henry Hantich.

There was issued in January by the house of Duncker and Humblot of Leipzig the first number of *Ungarische Rundschau für Historische und Soziale Wissenschaften*, edited by Professor G. Heinrich, general secretary of the Hungarian Academy of Sciences, assisted by V. Coucha, J. Hampel, and L. v. Thallóczy. This review should perform a useful service in making available to a larger public the work of Hungarian scholars, which has heretofore been almost a closed book to those outside the Magyar kingdom.

One of the latest additions to Teubner's (Leipzig) series *Aus Natur und Geisteswelt*, is the first part of *Geschichte der Auswärtigen Politik Oesterreichs im 19. Jahrhundert*, by Richard Charnatz.

*L'Annexion de la Bosnie et de l'Herzégovine en 1908* is the title of a volume by Dr. Bernard Krinsky (Paris, Rousseau).

The third and last volume (1549-1567) of *Briefwechsel der Brüder Ambrosius und Thomas Blaurer, 1509-1567*, edited by Traugott Schiess, under the auspices of the Zwingli-Verein in Zurich and the Historical Commission of Baden, has recently appeared (Freiburg i. Br., Fehsenfeld).

Albert Kündig of Geneva announces the publication of a two-volume work by Lucien Cramer on *La Seigneurie de Genève et la Maison de Savoie de 1559 à 1603*. The volumes will contain a large number of documents drawn from the archives not only of various Swiss cantons but also of Italy, Spain, and France. The importance of the publication for the history of Geneva and of its efforts to maintain its independence during the generation following the death of Calvin is obvious.

There has recently appeared the third and concluding volume of Dändliker, *Geschichte der Stadt und des Kantons Zürich* (Zürich, Schulthess).

Upon occasion of the quatercentenary of Pierre Viret the reformer, two important books have been published: Dr. Jean Barnaud, pastor and professor of theology, has published a substantial and valuable biography, *Pierre Viret: sa Vie et son Oeuvre* (Saint Omans, G. Carayol, 1911, pp. 703), with a supplement, *Quelques Lettres inédites de Pierre Viret* (*ibid.*, pp. 156); and under the auspices of the Theological Society of the canton of Vaud a selection of Viret's writings has been issued, *Pierre Viret, d'après lui-même: Pages extraites des Oeuvres du Réformateur à l'Occasion du Quatrecentenaire de sa Naissance* (Lausanne, Georges Bridel, 1911, pp. 341).

The Council of State of Neuchâtel has commissioned the cantonal archivist to publish in 1914 a volume of documents commemorative of the one-hundredth anniversary of the entrance of Neuchâtel into the Swiss Confederation.

William E. Rappard is the author of a recent work, *Le Facteur Économique dans l'Avènement de la Démocratie Moderne en Suisse*, vol. I., *L'Agriculture à la Fin de l'Ancien Régime* (Geneva, Georg and Company, 1912, pp. 235), the first volume of an extended economic history of Switzerland.

Noteworthy articles in periodicals: H. Pirchegger, *Karintien und Unterpannonien zur Karolingerzeit* (Mitteilungen des Instituts für Oesterreichische Geschichtsforschung, XXXIII. 2); K. Hampe, *Heinrichs des Löwen Sturz in Politisch-Historischer Beleuchtung* (Historische Zeitschrift, CIX. 1); G. v. Below, *Die Motive der Zunftbildung im Deutschen Mittelalter* (*ibid.*); A. Walther, *Die Neuere Beurteilung Kaiser Maximilians I.* (Mitteilungen des Instituts für Oesterreichische Geschichtsforschung, XXXIII. 2); W. Busch, *Württemberg und Bayern in den Einheitsverhandlungen, 1870* (Historische Zeitschrift, CIX. 1); H. Joachim, *Zur Gründungsgeschichte des Erzbistums Hamburg* (Mitteilungen des Instituts für Oesterreichische Geschichtsforschung, XXXIII. 2); M. Lair, *Georges V. de Hanovre, la Fin d'un Royaume* (Revue des Sciences Politiques, May-June).

#### NETHERLANDS AND BELGIUM

On May 19 a group of scholars gathered in Rupelmonde to celebrate the four-hundredth anniversary of the astronomer and geographer, Gerard Mercator, and to place a tablet on the house where Mercator was born on March 5, 1512. Papers concerning Mercator and his work were read.

The *Moniteur Belge* of April 19 contains the report of the committee to make the quinquennial award for the best contribution by a Belgian to Belgian history in the years 1906 to 1910. After reviewing critically the publications which have appeared the committee awarded the honor to Professor Paul Fredericq of the University of Ghent for his edition of the *Corpus Inquisitionis Neerlandicae* of which five volumes have been published, extending to 1528.



Recent numbers of the *Hansische Geschichtsblätter* contain a consecutive account of the Dutch attempts at colonization in Brazil in the seventeenth century.

The Historisch Genootschap of Utrecht has published, under the editorship of Dr. H. T. Colenbrander, the despatches sent from the Hague to Berlin in 1762-1788 by the Prussian ambassador Thulemeier. They had been left partly prepared for publication by Professor Fruin. The present editor has added many despatches, procured from the Prussian archives, which were not in the deciphers used by Fruin. Dr. N. Japikse will shortly publish through the same society the third volume of the correspondence of John de Witt.

The commission of the national bibliographical exposition which was held at Amsterdam in 1910 has recently published *Catalogus van Boeken in Noord-Nederland verschenen van den Vroegsten Tijd tot op Heden* (the Hague, Nijhoff, pp. 900). The scope of the work includes all printed books except translations, text-books, and mere pamphlets. It is divided into ten sections which may be purchased separately; the second section contains ecclesiastical history, and the sixth, history and geography. The arrangement is chronological.

The historical section of the Maatschappij van Nederlandsche Letterkunde is preparing, through the hands of various scholars, four volumes of monographs on the rising of November, 1813, in the various Dutch towns, and on the securing of independence from France—*Historisch Gedenkboek van Neerlands Onafhankelijkheid in 1813* (Haarlem, F. Bohn). The general editor is Lieut.-Gen. G. J. W. Koolemans Beijnen. The same uprising is covered by the documents in deel VI., stuk 3, of Dr. Colenbrander's *Gedenkstukken voor Algemeene Geschiedenis van Nederland*, just published.

Plans are being made in Ghent for a proper commemoration, in December, 1914, of the one-hundredth anniversary of the treaty between the United States and Great Britain. A volume respecting the local history of the negotiations is being prepared by Mr. A. Van Werveke of the city archives and the American consul, Mr. Johnson. It is hoped that sufficient funds may be obtained to make it possible to restore to its original condition the *salle* at the Chartreuse where the treaty was signed and to constitute in it a memorial museum.

#### NORTHERN AND EASTERN EUROPE

The April number of the *Revue de Synthèse Historique* is devoted exclusively to articles relating to Russia contributed by French and Russian scholars. The constitutional and economic development, the relation of the church and the Revolution, the position of the subject nationalities, and even the contemporary novel are discussed. The article on tendencies of Russian philosophical thought deals almost

exclusively with the ideas of Vladimir Solovieff. Of special value is a review by André Mazon of the works by Russian historians relating to the campaign of 1812; and an article by Louis Réau on Russian art, followed by a careful topical bibliography. A special insert in the advertising pages lists the important works on Russia now carried by the various Parisian publishers.

Élie Barbulesco, professor of Slavic at the University of Jassy, combines much historical material to support the theories which he advocates concerning the relation of Roumania to the various peoples of the Balkans, in *Relations des Roumains avec les Serbes, les Bulgares, les Grecs, et la Croatie en Liaison avec la Question Macédo-Romaine* (Jassy, 1912, pp. 366). The volume is admirably summarized and reviewed by Profesor Xénopol in the July number of the *Revue Historique*.

Volume V. of *Islandica*, an annual issued by Cornell University Library under the editorship of Mr. George William Harris, the librarian, is a Bibliography of the Mythical-Heroic Sagas by Halldór Hermannsson.

Noteworthy articles in periodicals: V. Olszewicz, *L'Évolution de la Constitution Polonoise* (*Revue des Sciences Politiques*, May-June); J. F. Chance, *Northern Affairs in 1724* (*English Historical Review*, July).

#### THE FAR EAST AND INDIA

M. Gaston-Samuel Cahen has recently presented as his thesis at the Sorbonne a *Histoire des Relations de la Russie avec la Chine sous Pierre le Grand, 1689-1730*.

Professor Joseph Dautremet of the École des Langues Orientales has written an account of Burmah under British rule entitled, *Une Colonie Modèle* (Paris, Guilmoto).

#### AMERICA

##### GENERAL ITEMS

The Director of the Department of Historical Research in the Carnegie Institution of Washington spent the summer in Europe, occupied with researches in Swiss archives and in England. Professor Charles M. Andrews completed in London the manuscript of volume II. of his *Guide to the Materials for American History, to 1783, in the Public Record Office*. Volume I. will soon be published. Professor Bolton's *Guide to the Materials for United States History in the Mexican Archives* is in page-proof; Mr. David W. Parker's Canadian guide in galley-proof.

The danger to which the archives of the federal government are exposed through the operation of the act of February 16, 1889, relating to the destruction of "useless papers", has been minimized by a recent

executive order which requires heads of departments to submit all lists of "useless papers" to the Librarian of Congress, before reporting them to Congress.

Students will be interested to learn that by an executive order of July 19, 1912, the heads of the executive departments are instructed to secure reports showing the condition, extent, and character of the archives in the respective offices under their control outside the District of Columbia. The information thus secured should form the basis of more extended reports on the archives of the federal offices not located at the seat of government, which would constitute the natural complement of Van Tyne and Leland's *Guide*.

The Abbé D. M. A. Magnan has written a *Histoire de la Race Française aux États-Unis* (Paris, Amat, 1912, pp. xvi, 361).

The Macmillan Company announces a new pocket edition of the works of Francis Parkman in twelve volumes.

The Department of Archaeology of Phillips Academy of Andover, Massachusetts, has issued as *Bulletin VI., Hematite Implements of the United States, together with Chemical Analysis of various Hematites*, by Warren K. Moorehead, curator. The monograph contains numerous good illustrations of hematite implements and also a map of the hematite area of the United States (Andover, Andover Press, pp. 99).

The *Magazine of History* for February, 1912, contains a further installment of extracts from the *Providence Gazette* (1778-1780); articles on William Brewster, the Pilgrim Printer, by George W. Chamberlain; and the Fort Dearborn Massacre, by Clarence M. Burton; and documents relating to the appointment of W. L. Marcy as Secretary of State.

The Houghton Mifflin Company has issued a volume of *Readings in American Constitutional History*, edited by Professor Allen Johnson of Yale University, composed of documents so selected that the student can deduce from them the leading principles of American constitutional development.

It is announced that Mr. H. Addington Bruce is engaged upon a book to be entitled *Woman in the Making of America*, which Little, Brown, and Company will publish.

In the May-August issue of the *German American Annals* the paper by Charles F. Brede on the German Drama in English on the Philadelphia Stage, and that by John C. Andressohn entitled "Die Literarische Geschichte des Milwaukeeer Deutschen Bühnenwesens, 1850-1911", are continued.

*Early Chapters in the Development of the Patomac Route to the West*, by Mrs. Cora Bacon-Foster, has been published at Washington by the Columbia Historical Society.

The New England History Teachers' Association has brought out an enlarged and revised edition of its *Catalogue of the Collection of Historical Material at Simmons College, Boston* (pp. 33), prepared by the committee on historical material (Houghton Mifflin Company).

#### ITEMS ARRANGED IN CHRONOLOGICAL ORDER

Mr. Filson Young has brought out through Henry Holt and Company a third edition of his *Christopher Columbus and the New World of his Discovery*, the first edition of which was published in 1906. The book has been carefully revised and partly rewritten, the first part of the narrative being considerably condensed. Mr. Henry Vignaud writes for the book an appreciative introduction.

*The Black Watch at Ticonderoga*, by F. B. Richards (Glens Falls, New York) is an account of the 42d Regiment of Foot, the Royal Highlanders, in 1756-1759. It is mainly based upon researches in English archives.

The Naval Historical Society has brought out at the De Vinne press a complete edition of the earliest known autobiography of a man who served with John Paul Jones, *Fanning's Narrative: being the Memoirs of Nathaniel Fanning, an Officer of the Revolutionary Navy, 1778-1783*, edited by J. S. Barnes.

Henry Holt and Company announce for autumn publication *Village Life in America, 1852-1872*, by Caroline Cowles Richards.

George W. Jacobs and Company have included in their series *American Crisis Biographies* a volume on *Robert Toombs*, by Professor Ulrich B. Phillips, and one on *Ulysses' S. Grant*, by Dr. Franklin S. Edmonds.

*A Prisoner of War in Virginia, 1864-1865*, by George Haven Putnam (Putnam's Sons) is an interesting and vivid account of one phase of the Civil War.

*Reconstruction and Union, 1865-1912* (pp. 255), by Paul Leland Haworth, Ph.D., is one of the latest issues in Messrs. Henry Holt and Company's *Home University Library* series. The author has been successful upon the whole in seizing upon the essential forces in our political history since the Civil War and has presented the facts in an attractive manner. He seems to have little hesitancy in reaching his conclusions or in expressing them. His estimates of men and events are generally fair, although he will be thought by many to show considerable bias at times. This criticism will apply more particularly to his chapters on reconstruction and to the last chapter in the book, the Revolt against Plutocracy.

The issues of the political campaign now being waged have called forth a number of books, which, while dealing primarily with subjects within the field of political science, are nevertheless not without interest

for the student of contemporary history. Among them may be mentioned: *Government by all the People, or the Initiative, the Referendum, and the Recall* (new edition), by Delos F. Wilcox (Macmillan); *The Initiative, Referendum, and Recall*, edited by W. B. Munro (Appleton's); *Direct Elections and Law Making by Popular Vote*, by E. M. Bacon and Morrill Wyman (Houghton); *The Supreme Court and the Constitution*, by Charles A. Beard (Macmillan); *Power of Federal Judiciary over Legislation*, by J. Hampden Dougherty (Putnam's); and *The Courts, the Constitution, and Parties*, by A. C. McLaughlin (University of Chicago Press).

#### LOCAL ITEMS. ARRANGED IN GEOGRAPHICAL ORDER

The *Proceedings* of the Massachusetts Historical Society for May-June contain, among other contributions, an article by Justin H. Smith on the Biglow Papers as an argument against the Mexican War, and a paper by Frank Sanborn on Edward Gove and his Confiscated Estate, being an account of the trial and sentence of a colonial for high treason. Numerous documents are also printed in this number relating to Morton of Merry Mount, the London partners in New Plymouth, 1641, the Massachusetts patent, 1677, the Massachusetts agency, 1690, and the "Case of Sims", 1851.

The monumental edition of Bradford's *History of Plymouth Plantation*, which the Massachusetts Historical Society has for some years been preparing under the editorial care of Mr. Worthington C. Ford, is now expected to be issued from the press of the Houghton Mifflin Company, in two volumes, in the present November. The volumes will be handsomely made, with elaborate illustrations as well as with great fullness of annotation.

The *Bulletin*, for July, of the Society for the Preservation of New England Antiquities contains the second annual report of the society. The admirable work that this society is attempting, especially in the acquisition of historic houses, should make a strong appeal to all who are interested in New England history.

The Lexington Historical Society is preparing a *History of Lexington, Massachusetts*, in commemoration of the two-hundredth anniversary of the incorporation of the town (March 31, 1913). The work is to consist of two volumes, volume I. being Hudson's *History of Lexington* brought down to date by revision, annotations, and additions, and volume II. a genealogy of Lexington based on the work of Hudson but brought to date in its materials and put in more approved form. The work will be issued in a limited edition (Houghton Mifflin Company).

*A History of Needham, Massachusetts, 1711-1911*, by G. K. Clarke, has been brought out by G. E. Littlefield. The history includes West Needham, now Wellesley, to its separation from Needham in 1881.

The New London County Historical Society publishes part 2, vol. III. of its *Records and Papers*, containing the proceedings of the society since 1905. A number of papers of historical importance are here given: Fisher's Island, its History and Development, by F. E. Hine; the Study of Genealogy, by C. D. Parkhurst; and a Forgotten Son of Liberty, Major John Durkee, by Amos A. Browning.

The federal Bureau of Education has published as *Bulletin* 483, *Dutch Schools of New Netherland and Colonial New York*, by William J. Kilpatrick.

The *Year Book* of the Schenectady County (N. Y.) Historical Society for 1912 marks the beginning of a period of increased activity on the part of the society. Two brief articles of historical interest are: the van Curler Tablet at Nijkerk, by W. E. Griffiths, and the Battle of the Beukendal, by Charles C. Duryee. A list of the society's acquisitions since 1909 includes a number of manuscripts, especially church records.

Among recent acquisitions by the Historical Society of Pennsylvania are manuscripts of Sir William Penn and Samuel Pepys, and the military and scientific papers of Major-General Andrew A. Humphreys, U. S. A.

The *Maryland Historical Magazine* for September opens with a paper read before the Maryland Historical Society on May 9, 1844, by Robert Gilmore, entitled *Recollections of Baltimore*. The study of Maryland's Share in the last Intercolonial War by Arthur M. Schlesinger is continued, the present installment dealing with Governor Sharpe and the Braddock Campaign. In the same number Bernard C. Steiner prints a useful list of the chief executive officers of Maryland during the provincial period, commencing with William Claiborne, 1631, and ending with Richard Lee, 1776. Documentary contributions are: the Vestry Proceedings of St. Ann's Parish, Annapolis (continued), 1724-1727; letters of Rev. Jonathan Boucher (continued), to his fellow-clergymen, Mr. James and Mr. Tickell, of 1764-1766; notes from the Land Office records (continued), 1648-1649; and a few letters and papers from the executive archives of 1781, 1783, and 1788.

The Virginia State Library has issued as vol. V., no. 2, of its bulletins *A Finding List of Books relating to Printing, Book Industries, Libraries, and Bibliography in the Virginia State Library* (pp. 155-233).

The *Virginia Magazine of History and Biography* for July prints (from the Randolph Manuscript) the commission of Governor Nicholson, August 4, 1702, and the recall of Nicholson in 1705. Under the caption "Virginia in 1673-1676" appear a letter from Governor Berkeley to Secretary Williams, April 1, 1676, one from Berkeley to Thomas Ludwell of the same date, and a communication to Berkeley from the Board of Trade and Plantations, dated April 6, 1676. This issue of the *Magazine* contains also an interesting series of letters from G. W. P.



Custis to General Washington, 1797-1798. The originals are in the possession of the Virginia Historical Society.

The *William and Mary College Quarterly Historical Magazine* prints in the July issue two letters of General William F. Gordon to Thomas W. Gilmer (1832, 1834), two of William C. Rives to Gilmer (1832), and four from John Tyler to Governor John Floyd (1831-1833). These letters are principally concerned with politics. There are also several letters of Landon Carter to General Washington (1796) concerning agricultural matters.

Volume III. number 4 (July, 1912) of the *John P. Branch Historical Papers* of Randolph-Macon College is chiefly made up of two biographical articles: George Wythe by L. S. Herrink, and John Letcher by E. B. Prettyman.

A contribution to the recent history of North Carolina is *The Life and Speeches of Charles Brantley Aycock*, edited by R. D. W. Connor and Clarence Poe (Doubleday, Page, and Company).

In Mr. Henry A. M. Smith's series of articles on the Baronies of South Carolina, running in the *South Carolina Historical and Genealogical Magazine*, the article in the April issue concerns Boone's Barony. The other articles in this issue are continuations. The July number continues Mr. Smith's series, and contains a first installment of the Diary of Timothy Ford, 1785-1786 with notes by Joseph W. Barnwell. Other contributions are the Order Book of John Faucheraud Grimké, 1778-1780, continued, Stock Marks Recorded in South Carolina, 1695-1721, and the Register of St. Andrew's Parish.

The Mississippi Historical Society has endeavored for over a decade to show what can be accomplished in the systematic and scholarly exploitation of state history by a society, and its annual volumes of *Publications* bear evidence to the success of its efforts. Volume XII., which now comes to us, is no exception. Among the more important contributions are: First Marriage of Jefferson Davis, by W. L. Fleming; Nullification in Mississippi, by Miss Cleo Hearon; Reconstruction in Marshall County, by Miss Ruth Watkins; Reconstruction in Yalobusha and Grenada Counties, by Miss J. C. Brown; Climax and Collapse of Reconstruction in Mississippi, 1784-1896, by Capt. J. S. McNeilly; and a Boy's Recollection of the Civil War, by W. O. Hart. Mention should also be made of an outline for a county history of reconstruction offered by Professor F. L. Riley.

The General Land Office has published a small pamphlet, with maps, by Frank Bond, entitled *Historical Sketch of Louisiana and the Louisiana Purchase*.

Beginning with the issue of July the *Quarterly of the Texas State Historical Society* became the *Southwestern Historical Quarterly*. This

first issue under the new title contains three papers of especial value: the Spanish Occupation of Texas, 1519-1690, by Professor Herbert E. Bolton; Kentucky and the Independence of Texas, by Mr. James E. Winston; and the Approaches to California, by Mr. Frederick J. Teggart. The third installment of the correspondence from the British archives concerning Texas, 1837-1846, edited by Professor E. D. Adams, includes principally letters of Elliot to Aberdeen and to Addington, November and December, 1842, but also one from Houston to Elliot, November, 1842.

*State Banking in Indiana, 1844-1873* (pp. 90), by Logan Esarey, is issued as no. 15 of *Indiana University Studies*. The monograph forms a useful chapter in the history of banking in the United States before the inauguration of the national banking system. Professor James A. Woodburn furnishes a prefatory note.

Mr. George S. Cottman writes for the June issue of the *Indiana Quarterly Magazine of History* an account of the pioneer Fourth of July in Indiana.

*The Politics of Michigan, 1865-1878*, by Harriette M. Dilla, is a recent issue of the *Columbia University Studies in History, Economics, and Public Law*.

The Henry Eddy manuscripts consisting of something like five thousand separate letters and papers are now open to students. The collection may be divided into two classes: (1) about one thousand political letters from the leading public men of the Middle West, especially Illinois, between the years 1820 and 1845; (2) letters and papers of a business and legal nature, which throw considerable light on economic and legal conditions in Illinois at an early day, manuscript notes of conventions, public meetings, and legislative bodies, together with a miscellaneous lot of observations and accounts that cover a multitude of subjects. The most valuable of the papers are being copied by the Illinois State Historical Library and the University of Illinois.

On August 15, the Chicago Historical Society, the United States Daughters of 1812, Illinois, and the Society of the War of 1812, Illinois, commemorated the one-hundredth anniversary of the Fort Dearborn massacre by an address by Colonel Nathan W. MacChesney in the rooms of the Chicago Historical Society.

*The Story of Old Fort Dearborn*, by J. Seymour Currey (McClurg) deals with the period from 1803 to 1812, and especially, in a detailed way, with the capture of the fort in 1812.

The Illinois State Historical Library has just brought out as *Publication* no. 15, the *Transactions of the Illinois State Historical Society for the Year 1910*. Among the papers included may be mentioned: the West and the Growth of the National Ideal, by F. L. Paxson; Illinois and the Revolution in the West, by J. A. James; the Ken-

sington Rune Stone, by G. T. Flom; and La Salle a Victim to his Error in Longitude, by John F. Seward. The documentary contribution by S. J. Buck, Pioneer Letters of Gershom Flagg, has already received notice, as a reprint, in these columns.

Among the contents of the *Register* of the Kentucky State Historical Society for September we note: the Famous Duel between John Rowan and Dr. James Chambers, by J. Stoddard Johnston; and Kentucky Troops in the War of 1812, by A. C. Quisenberry.

*Notable Men of Tennessee from 1833 to 1875: their Times and their Contemporaries* (pp. 467), by Oliver P. Temple, compiled and arranged by his daughter, Mary B. Temple, has been published by the Cosmopolitan Press.

Separate no. 145 from the *Proceedings* of the State Historical Society of Wisconsin for 1911 (pp. 97-148) is *Genesis of Steamboating on Western Rivers; with a Register of Officers on the Upper Mississippi, 1823-1870*, by George B. Merrick and William R. Tibbals. Separate no. 146 comprises *Four Chapters in Wisconsin Indian History*: "An Episode of the War of 1812", by Joseph Ducharme; "Recollections of Oneida Indians, 1840-1845", by Henry Colman; "Indians of Manitowoc County", by J. S. Anderson; and "Oshkosh, Menominee Sachem", by Reuben Gold Thwaites. Separate no. 147 includes *Four Episodes in Wisconsin Pioneering*: "A Visit to Fort Howard in 1836", by Elizabeth Smith Martin; "A Wagon Journey from Ohio to Wisconsin in 1846", by Sarah Foote; "Recollections of a Pioneer Woman of La Crosse", by Augusta Levy, edited by Albert H. Sanford; and "Another La Crosse Pioneer's Statement", by J. S. Harris.

*Bulletin of Information* no. 59 of the State Historical Society of Wisconsin includes lists of the accessions of manuscripts, maps, and illustrative material during the year 1911. Among the manuscripts acquired are letters to Mrs. Lucy Bartlett Blair, a Wisconsin pioneer, 1839-1857. These are from the estate of Miss Emma H. Blair and include letters from Thomas Bartlett bearing upon the Aroostook boundary dispute. Another group of manuscripts, the gift of Misses Sarah G. and Deborah B. Martin of Green Bay, comprises letters, diaries, accounts, etc., relating to the lower Fox River valley, the settlement of Milwaukee, and the Northwestern fur-trade, 1800-1845.

Mr. Johnson Brigham, state librarian of Iowa, writes for the July, 1911, issue of the *Annals of Iowa* an account of John A. Kasson's efforts for the location of the Iowa capitol at Des Moines, Mrs. Virginia J. Berryhill furnishes an appreciative sketch of the late Professor Amos Noyes Currier of the University of Iowa, including Professor Currier's Civil War experiences, Colonel George W. Crosley writes "Some Reminiscences of an Iowa Soldier", and Marcellus Pugsley recounts "A Plains Adventure of an Iowa Man".

Mr. Jacob Van der Zee translates and edits for the July issue of the *Iowa Journal of History and Politics* the diary left by John Hospers of a journey from the Netherlands to Pella, Iowa, in 1849; Mr. T. J. Bryant gives an account of a War Time Militia Company, including the story of a guerrilla raid; and Mr. Paul R. Abrams relates the history of the assault at the capitol in Washington in June, 1866, by Lovell H. Rousseau upon Josiah B. Grinnell, representatives in Congress from Kentucky and Iowa, respectively. Under the caption Emigration from Iowa to Oregon in 1843 are reprinted from Iowa papers of 1843 some records of emigrant organizations. Mr. Clifford Powell presents the third of his papers on the history of the codes of Iowa law, dealing in this paper with the revision of 1860.

Historical research along several lines was conducted during the past summer by the State Historical Society of Iowa through a number of research associates and assistants under the direction of the superintendent, Dr. Benjamin F. Shambaugh. In addition to the completion or continuation of work on monographs which have hitherto received mention in these pages some new researches have been prosecuted. Mr. Jacob Van der Zee has been engaged upon phases of the early history of Iowa, Dr. Louis Pelzer upon the early history of the Mississippi Valley, Dr. C. R. Aurner upon the history of education in Iowa, Professor L. B. Schmidt upon the history of Congressional elections in Iowa, while Mr. Louis T. Jones is making a study of the Quakers in Iowa, Professor F. E. Haynes is investigating third party movements in the state, Dr. Frank E. Horack is working on the history of municipal government in Iowa, and Dr. Dan E. Clark has begun a history of the settlement of Iowa. These several monographs will eventually be published by the society.

Captain George S. Grover writes for the July issue of the *Missouri Historical Review* an account, from personal recollection, of the Price campaign of 1864 and Mr. J. S. Botsford sketches the history of the administration of Governor Joseph McClurg. In the same issue is printed a brief description of the manuscript collection of General Thomas A. Smith. The collection, which is in the possession of the society, contains many letters from General Smith written during his service in the War of 1812.

The State Historical Society of North Dakota has undertaken a systematic preservation of the native Indian songs. This is a new phase of its work and is probably the first of its kind to be undertaken by a state organization. The songs are recorded by the phonograph and are transcribed in musical notation, the collection of phonograms forming an interesting and valuable addition to the state museum at Bismarck. The principal songs already collected are those of the fast vanishing Mandan tribe, and include ceremonial songs, as well as those of the tribal societies, games, and dances. Songs of the old Hidotsa have also

been recorded. This work has been done by Miss Frances Densmore of the Bureau of American Ethnology.

The municipality of Rouen recently gave to the Norse race in America a replica of a noted statue of Rollo, the Northman. This was erected in Fargo, North Dakota. At the time of its unveiling a Norman-American organization was formed having for its purpose the study of North European and North American history and literature. At the first meeting papers were read by Professors Julius E. Olson, J. O. Hall, Dana C. Munro, O. G. Libby, and others.

The first part of volume XVI. of the Nebraska State Historical Society's *Collections* is devoted to the proceedings of the dedication of the Astorian monument at Bellevue, on June 23, 1910. Among the other contributions may be mentioned: *Early Days in and about Bellevue* (including some documentary material), by Edward L. Sayre; two articles on the boundary between Kansas and Nebraska, by George W. Martin and Albert Watkins; the *Territorial Evolution of Nebraska*, by Albert Watkins; the *Early Settlements of the Platte Valley*, by David Anderson; and several papers relating to troubles with the Indians. While many of the articles here printed are based on the recollection of personal experiences, the general editor, Mr. Watkins, has greatly added to their value by supplying historical and critical foot-notes. The form of the volume as regards binding, paper, and press work is all that could be desired, which cannot be said of the publications of all historical societies.

The second volume of R. E. Twitchell's *Leading Facts of New Mexican History*, 1821 to the present time, has been issued by the Torch Press.

In addition to the fifth of Mr. W. C. Woodward's papers on the *Rise and Early History of Political Parties in Oregon* the December, 1911, issue of the *Quarterly of the Oregon Historical Society* contains an *Echo of the Campaign of Sixty*, by L. B. Shippee, and the *Gun Powder Story of Archibald McKinlay*, chief trader of the Hudson's Bay Company. The March number opens with "A Glimpse into Pre-historic Oregon", by Ellen C. McCornach. This is "the initial paper of a series designed to give a synthetic view of Oregon's past . . . for the purpose of inspiring the liveliest and most enlightened sentiment". The same number contains the sixth installment—the *Issues of War*—of Mr. Woodward's papers, together with an article by T. C. Elliott on the *Earliest Travellers on the Oregon Trail*.

A. C. McClurg and Company have published *The Oregon System: the Story of Direct Legislation in Oregon*, by A. H. Eaton.

The archives of the federal land office at Redding, California, have been transferred, together with the business of the office, to the land office at Sacramento.

*Father Kino's Lost History, its Discovery and its Value*, by Professor H. E. Bolton, is reprinted for private circulation from the papers of the Bibliographical Society of America, vol. VI.

The Bureau of Insular Affairs of the War Department has published a compilation of the acts of Congress, treaties, proclamations, decisions of the Supreme Court, and opinions of the Attorney-General relating to non-contiguous territory, 1909-1911.

*The American Occupation of the Philippines, 1898-1912*, by James H. Blount (Putnam's Sons) is a personal narrative as well as an historical study, the author having served in the islands as officer of United States volunteers and later as district judge.

We have just received volumes XIV. and XV. (1910, 1911) of the *Collections of the Nova Scotia Historical Society*. Among their contents we notice especially: the Fisheries of British North America and United States Fishermen, by Wallace Graham, judge of the Supreme Court of Nova Scotia; Memoir of Governor John Parr, by James S. Macdonald; and Halifax and the Capture of St. Pierre in 1793, by T. Watson Smith in vol. XIV.; and in vol. XV.: Life of Alexander Stewart, C. B., by C. J. Townshend; Records of Chignecto, by W. C. Milner; and a list of the papers read before the society since 1878.

Under the editorship of Dr. Arthur Doughty and Col. William Wood two volumes of some historical interest, *The King's Book of Quebec*, have been issued by the Mortimer Company of Ottawa, the objects of the volumes being to stir public opinion to care for the battlefields of Quebec and to "unite more closely Canadians of French and of British descent".

*Bulletin* no. 4 of the Departments of Political and Economic Science in Queen's University, Kingston, Ontario, Canada, is *Sir Charles Bagot: an Incident in Canadian Parliamentary History*, by J. L. Morrison. Mr. Morrison is inclined to rank Bagot, whose work in Canada scarcely extended through a single year from the spring of 1842, as "one of the four nineteenth century Englishmen who best served Canada in politics before the Confederation".

The thirteenth annual meeting of the Ontario Historical Society was held at Napanee, Ontario, on June 5-7. About one hundred delegates were present and the public interest in the meetings was very great. Perhaps the most important action taken was the appointment of a committee to report to the council on plans for the erection of a building for the society in Toronto. The historical papers were devoted mainly to various phases of the War of 1812. The officers elected were: president, John Dearness; first vice-president, Clarence M. Warner; second vice-president, Sir Edmund Walker; treasurer, Clarkson W. James; and members of the council, John S. Carstairs, Alexander Fraser, Andrew F. Hunter, W. L. Grant, and W. S. Wallace.



The *Bulletin* of the New York Public Library continues in the June and July issues the list of works relating to the West Indies (parts V. and VI.).

The *Boletín del Archivo Nacional* (Havana) for May-June contains, in the section devoted to documents, the Denuncia del Obispo de la Habana, contra los Presbíteros Cubanos Dr. Ricardo Arteaga, Emilio de los Santos Fuentes, Miguel Santos, Manuel de Jesús Doval, Francisco de P. Barnada, y Pedro Almanza, por hacer Propaganda Separatista desde el Púlpito, y Deportación de los cuatro primeros. Catalogues of the archives are continued by installments of the Índice de Protocolos de las Escribanías de la Isla de Cuba, 1842-1890, and the Índice de las Documentos sobre Realengos, 1748-1939.

A little brochure by Charles Trébos recounts the share of Normandy in the colonization of the French Antilles (Paris, Challamel).

*Bolívar et l'Émancipation des Colonies Espagnoles des Origines à 1815* comes from the pen of Jules Mancini and the press of Perrin (Paris, 1912, pp. 610). Robert Levillier has written *Les Origines Argentines* for the *Bibliothèque Charpentier*.

Friedrich Weber's *Beiträge zur Charakteristik der Aelteren Geschichtsschreiber über Spanisch-Amerika* (AMERICAN HISTORICAL REVIEW, XVII. 189) is reviewed in the *Göttingische Gelehrte Anzeigen* (1912, no. 7). The review presents serious criticisms of the work and suggests numerous corrections and insertions, which make it a valuable supplement to the book.

A new volume in Messrs. Scribner's South American series is *Venezuela*, by Leonard V. Dalton.

Two volumes on the history of Brazil have just appeared. *Ensaio de Historia Diplomática do Brasil no Régimen Republicano*, by A. G. de Arango Jorge (Rio de Janeiro, Silva, 1912) is devoted to the period from 1889 to 1902, containing chapters on the recognition of the republic, the provincial government, the military presidencies, and the presidencies of Moraes and Salles, respectively; all these deal primarily with foreign relations. *De Monroe a Rio-Branco*, by Helio Lobo (Rio de Janeiro, Imprensa Nacional), deals with the following "Paginas de Diplomacia Americana": Entre George Canning e James Monroe; a Assembléa do Isthmo; a Primeira Conferencia de Lima; a Assembléa de Buenos Aires; Tentativas de uma Codificação; and a America Latina e a Diplomacia do Imperio.

Noteworthy articles in periodicals: John Finley, *The French in the Heart of America*, I. (Scribner's Magazine, September); J. J. Jusserand, *Rochambeau in America*, I. (Harvard Graduate's Magazine, September); H. C. Lodge, *The Constitution and its Makers* (North American Review, July); Rayner W. Kelsey, *The Originator of the Federal Idea*

(The Nation, June 6); L. Didier, *Le Citoyen Genet*, I. (Revue des Questions Historiques, July); A. B. Coover, *Ohio Banking Institutions, 1803-1866* (Ohio Archaeological and Historical Quarterly, April-July); D. J. Ryan, *Ohio in the Mexican War* (*ibid.*); Farrar Newberry, *The Nashville Convention and Southern Sentiment of 1850* (South Atlantic Quarterly, July); Gaillard Hunt, *The History of the Department of State*, IX. (American Journal of International Law, July); Margaret Van Horn Dwight, *A Trip to Ohio in 1810* [diary], (Atlantic, September); *Letters of Samuel F. B. Morse* (North American Review, June, July); G. A. King, *The French Spoliation Claims* (American Journal of International Law, April, July); T. W. Page, *The Distribution of Immigrants in the United States from 1870* (Journal of Political Economy, July); Morris Schaff, *The Sunset of the Confederacy: a History* (Atlantic, July-September); Helen Nicolay, *Characteristic Anecdotes of Lincoln* (Century, September); Admiral George Dewey, *Autobiography* (Hearst's Magazine, July); H. C. Lodge, *Some Early Memories*, I. (Scribner's, September); P. Groussac, *Un Français Vice-Roi de la Plate: Jacques de Liniers, Comte de Buenos-Ayres* (Revue des Deux-Mondes, May 1).